FEDERAL REGISTER

VOLUME 12 NUMBER 51

Washington, Thursday, March 13, 1947

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 54—ANNUAL AND SICK LEAVE REGULATIONS

MISCELLANEOUS AMENDMENTS

In the FEDERAL REGISTER of February 25, 1947, Chapter I was revised and certain parts, including Part 54, were redesignated, effective May 1, 1947 (12 F. R. 1270, 1343). These amendments to Part 54 are to be carried over on May 1, the effective date of the redesignation.

Sections 54.305, 54.408, 54.409, and 54.410 (redesignated as §§ 30,305, 30.408, 30.409 and 30.410, effective May 1, 1947) are amended to read as follows:

§ 54.305 *Application for sick leave.* Written application on the prescribed form for grant of sick leave shall be filed within two days after the employee returns to duty. In no case shall a medical certificate be required to support the application for periods of absence of three days or less. For periods of absence in excess of three work days the application must be supported by a medical certificate, or other evidence administratively acceptable, which must be filed within 15 days after return to duty: *Provided,* That in lieu of a medical certificate, a signed statement of the employee indicating the nature of the illness and the reason why a medical certificate is not furnished may be accepted whenever it is unreasonable to obtain such certificate because of a shortage of physicians, remoteness of locality, or because the circumstances surrounding the employee's illness do not require the services of a physician. The agency shall determine administratively whether the statement of the employee in lieu of a medical certificate shall be considered sufficient evidence to support the request for sick leave.

§ 54.408 *Disposition of sick leave account on transfer.* When an employee is appointed, reappointed, or transferred to another position with no break in service, or a break of less than 90 days, his sick leave account shall be disposed of as follows:

(a) If the position is within the purview of the leave acts of March 14, 1936, the sick leave account shall be certified to the employing agency for credit or charge to the employee.

(b) If the position to which he is appointed, reappointed, or transferred is not within the purview of the leave acts of March 14, 1936, the employee shall be furnished with a statement of his sick leave account and if he is subsequently appointed, reappointed, or transferred to a position within the purview of such acts, with no break in service or a break of less than 90 days, the leave shown to be due shall be credited to his account.

§ 54.409 *Disposition of annual leave account on transfer.* When a permanent employee is appointed, reappointed, or transferred to another position as a permanent employee within the purview of the leave acts of March 14, 1936, with no break in service, his annual leave account shall be certified to the employing agency for credit or charge to the employee.

§ 54.410 *Transfer from position not within purview of leave acts to position within purview of leave acts.* Any person who was appointed, reappointed, or transferred prior to January 1, 1945, to a position not within the purview of the leave acts of March 14, 1936, who is or has been appointed, reappointed, or transferred to a position within the purview of such acts with no break in service, or with a break of less than 30 days if the reappointment occurred between December 31, 1944, and March 1, 1946, or less than 90 days if the reappointment occurred on or after March 1, 1946, shall be credited with the leave shown to be due.

(E. O. 9414, Jan. 13, 1944, 3 CFR 1944 Supp.)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-2384; Filed, Mar. 12, 1947; 8:47 a. m.]

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents appearing in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 260—APPEALS WITHIN THE BOARD

In Federal Register Document 47-1803, appearing at page 1389 of the issue for Thursday, February 27, 1947, the following changes are made:

1. In the first column on page 1390, in the eleventh line of § 260.2 (g), the word "completion" should be "compilation"

2. In the second column on page 1390, in the eighteenth line of § 260.3 (d), the following insertion should appear after the word "present": "further material evidence, which for good reason he was not able to present"

MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 47-2352; Filed, Mar. 12, 1947; 8:47 a. m.]

TITLE 29—LABOR

Chapter VIII—Commissioner of Internal Revenue

[T. D. 5553]

PART 1003—PROCEDURE RELATIVE TO DETERMINATION THAT SALARIES OR WAGES SUBJECT TO JURISDICTION OF NATIONAL WAGE STABILIZATION BOARD WERE PAID IN CONTRAVENTION OF ACT OF OCTOBER 2, 1942, AS AMENDED

Part 1003 added to provide procedure to implement the functions transferred to the Treasury Department by section 10 (b) of Executive Order 9809, dated December 12, 1946 (11 F. R. 14281) and vested in the Commissioner of Internal Revenue by this Decision.

On August 28, 1943, the Economic Stabilization Director promulgated amended regulations relating to wages and salaries (8 F. R. 11960) by virtue of the authority vested in the President by the act of October 2, 1942, entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes" (56 Stat. 765) as amended by the Public Debt Act of 1943, entitled "An Act to increase the debt limit of the United States, and for other purposes" (57 Stat. 63), and vested in turn by the President in the Economic Stabilization Director under Executive Order 9328, dated April 8, 1943 (8 F. R. 4681) These regulations conferred on the National War Labor Board, subject to the provisions of sections 1, 2, 3, 4 and 8 of Title II of Executive Order 9250, dated October 3, 1942 (7 F. R. 7871) and except as otherwise provided in Executive Order 9299, dated February 4, 1943 (8 F. R. 1669) prescribing regulations and procedure with respect to wage and salary adjustments for employees subject to the Railway Labor Act, authority to determine under rulings and orders issued by it, whether any (a) wage payments, or (b) salary payments not in excess of $5,000.00 per annum to an employee represented by a duly recognized or certified labor organization, or not employed in a bona fide executive administrative, or professional capacity are made in contravention of the act, or any rulings, orders, or regulations promulgated thereunder. On December 31, 1945 the President promulgated Executive Order 9672 (11 F. R. 221) establishing within the Department of Labor a Board to be known as the National Wage Stabilization Board, and providing that the Board shall have all the present powers; functions, and responsibilities of the National War Labor Board relating to the stabilization of wages and salaries for the purpose of carrying out the objectives authorized and directed by the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, in accordance with the policies and procedures provided by Executive orders and regulations issued pursuant to these acts. Executive Order 9672 further provided that the presently effective rules, regulations, procedures, and orders of the National War Labor Board relating to any function vested in the National Wage Stabilization Board shall continue to be effective in accordance with their terms. On December 12, 1946 the President promulgated Executive Order 9809 (11 F. R. 14281) providing that the National Wage Stabilization Board is terminated and that the functions heretofore vested in the Board pursuant to the provisions of section 5 (a) of the Stabilization Act of 1942, as amended, are transferred to the Department of the Treasury.

PARAGRAPH 1. In the exercise of the authority conferred by Executive Order 9809 to determine whether salary or wage payments subject to the jurisdiction of the National Wage Stabilization Board were made in contravention of the act of October 2, 1942, as amended, the Commissioner of Internal Revenue hereby adopts the procedure set out in 29 CFR, Part 1002, Subpart J (T. D. 5416, 9 F. R. 13195)

PAR. 2. For the purposes of this part, the sections of Part 1002, Subpart J (9 F. R. 13195, 10 F. R. 3797), numbered from 1002.36 to 1002.46, inclusive, shall be numbered as follows, and the word "salary" wherever it appears shall be read as "salary or wage".

Sec.

AUTHORITY: §§ 1003.1 to 1003.11, inclusive, issued under E. O. 9809, Dec. 12, 1946, 11 F. R. 14283.

§ 1003.1 *Preliminary investigation.* Upon receipt of information indicating a possible contravention of the act, the Head of the Regional Office, in whose jurisdiction the employer is located, shall institute an investigation. This investigation may be made by a representative of the Salary Stabilization Unit, Internal Revenue Agent or any other employee of the Bureau of Internal Revenue.

If, upon review of the report of investigation, the Head of the Regional Office is satisfied that the salary or wage payments in question were not made in contravention, he shall so notify the employer and refer the case to the Commissioner for review.

§ 1003.2 *Submission of report.* If, upon review of the report of investigation, the Head of the Regional Office believes that the salary or wage payment was made in contravention, he shall submit a report, in detail, to the Commissioner, together with the original report of investigation. The employer, if he so desires, may have a conference in the Regional Office prior to the submission of the report to the Commissioner.

§ 1003.3 *Preliminary notice.* If, upon consideration of the report of the Head of the Regional Office, the Commissioner is satisfied that there is reasonable cause for believing that a salary or wage payment has been made in contravention of the act, a preliminary notice to such effect shall be sent to the employer. Such preliminary notice shall contain a concise statement of the nature of the alleged contravention payment and the employer shall have an opportunity, within the time specified, to submit additional evidence and for conference.

§ 1003.4 *Final notice.* If no reply is received by the Commissioner within the specified time, or the additional evidence, if any is submitted, is not sufficient to warrant any change in the preliminary notice, a final notice shall be sent to the employer by registered mail ordering the employer to show cause why the alleged salary or wage payments shall not be held in contravention of the act. Such notice shall contain a concise statement of the nature of the alleged contravention payments and advise the employer of his right to have a hearing, if one is requested at the time of filing the answer, and that answer, under oath, to the notice shall be made by the employer within the time specified in the final notice. Unless a hearing is requested at the time of filing the answer, the hearing shall be deemed to have been waived. Upon good cause shown, the time for answering the final notice may be extended by the Commissioner.

If no answer is received within the time specified in the final notice, or as extended, a notice of the determination with respect to contravention will be issued by the Commissioner by registered mail.

§ 1003.5 *Notice of hearing.* If a hearing is requested, notice of the hearing shall be sent by registered mail to the employer not less than 15 days prior to the date of the hearing. Such notice shall contain (a) a statement of the time and place of hearing; (b) the name of the hearing officer; (c) a concise statement of the allegations of fact which constitute the basis for the proceeding; (d) a statement that the employer may be represented by counsel and given full opportunity to present written or oral testimony and to examine and cross-examine witnesses on all matters relating to the charge and (e) a statement informing the employer that failure to appear will not preclude the Commissioner from taking testimony, receiving evidence and making findings and recommendations with respect to the charges.

For good cause shown, the date of the hearing may be postponed.

§ 1003.6 *Hearing officer.* The Commissioner, or the Deputy Commissioner of the Salary Stabilization Unit, may conduct hearings, or may, in writing, authorize some official or employee of the Bureau of Internal Revenue as a hearing officer to conduct and hold hearings and make findings of fact as hereinafter provided.

§ 1003.7 *Conduct of hearing.* Attempt should be made by the parties to stipulate with respect to such facts with which there is no substantial dispute.

The parties shall have every opportunity to present and introduce such evidence as they deem necessary in support of their positions.

The hearing officer shall afford the parties reasonable opportunity for examination of witnesses.

Before closing a hearing, the hearing officer shall inquire of each party whether he has any further evidence to offer.

The hearing officer at his discretion may, at the close of the hearing, allow a short period for presentation of oral argument or for summary of the facts disclosed at the hearing, and may allow briefs to be filed within a period prescribed by him, such period not to exceed 15 days.

The employer may, at his own expense, provide for the taking of a stenographic report of the hearing, in which case a copy shall be furnished without cost to the hearing officer.

§ 1003.8 *Findings of fact and recommendations.* Within a reasonable time after the conclusion of the hearing, the hearing officer shall prepare findings of fact in which he shall state briefly the issues involved and his recommendation. Such findings of fact and recommendation shall be transmitted to the Commissioner and a copy shall be transmitted to the employer.

§ 1003.9 *Determination by the Commissioner* After consideration of the findings and recommendation of the hearing officer, the Commissioner shall determine whether the salary or wage payments in question were made in contravention of the act. A copy of such determination shall be sent by registered mail to the employer.

§ 1003.10 *Petition for reconsideration.* Within 15 days after the mailing of notice of determination of contravention by the Commissioner, the employer may file with the Commissioner a petition for reconsideration of such determination. This petition may be accompanied by any affidavits or briefs which the employer desires to submit. Within a reasonable time after receiving such request for reconsideration, the Commissioner may affirm, modify or reverse his original determination or direct a further hearing to be held. Such further hearing shall follow the procedure prescribed for the original hearing. After consideration of the findings of fact of the second hearing, the Commissioner shall issue his determination as to whether the salary or wage payments were made in contravention of the act.

§ 1003.11 *Determination of contravention.* The Deputy Commissioner of the Salary Stabilization Unit, or any other duly authorized employee of the Bureau of Internal Revenue, may act for the Commissioner in making determinations of contravention, except that if the Deputy Commissioner of the Salary Stabilization Unit is the hearing officer, the determination of contravention shall be made by the Commissioner.

This Treasury Decision shall be effective upon filing for publication with the Federal Register.

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

APPROVED: March 7, 1947.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-2369; Filed, Mar. 12, 1947; 8:58 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[State Director Advice No. 347, Issued: 3/10/47]

PART 672—STATE DIRECTOR ADVICES

CERTIFICATION PLAN

Pursuant to the provisions of the Administrative Procedures Act, the following directive issued under authority of the Selective Training and Service Act of 1940, as amended, is hereby made a matter of record:

§ 672.347 *Local Board Memorandum No. 115, certification plan.* (a) The operation of the certification plan outlined in paragraphs (c) and (d) of § 671.115 (12 F. R. 471) is suspended.

(b) Hereafter, until the expiration of the Selective Training and Service Act of 1940, as amended, the occupational classification of registrants will be accomplished under the provisions of paragraphs (b) (e) and (f) of § 671.115.

(54 Stat. 885, as amended; 50 U. S. C., App. and Sup. 310)

LEWIS B. HERSHEY,
Director

[F. R. Doc. 47-2387; Filed, Mar. 12, 1947; 8:58 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected; issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P.-A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1138—ANTIMONY

[General Preference Order M-112, as Amended March 12, 1947]

§ 1138.1 *General Preference Order M-112*—(a) *Definitions.* For the purpose of this order "antimony" means and includes:

(1) Ores and concentrates, including beneficiated or treated forms, containing antimony commercially recognized;

(2) Antimony metal, otherwise known as "Regulus" and the element antimony in commercially pure form;

(3) Liquated antimony, sometimes known as "needle antimony" "crude antimony" or "Crudum", which is in any case the result of separating antimony sulphide from antimony ores by fusion, without essential chemical change;

(4) Any alloy containing 50 per cent or more by weight of antimony, as defined in (1) (2) and (3) above;

(5) Antimony oxide which results from the processing of antimony, as defined in (1) (2) (3) and (4) above;

(6) Antimony sulphide (precipitate or synthetic) which results from the processing of antimony, as defined in (1), (2) (3) (4), and (5) above.

(b) *Deliveries, allocations and uses*—(1) *Restrictions on deliveries.* No person shall deliver or accept delivery of antimony without a specific allocation in writing by the Civilian Production Administration, except as follows:

(i) Antimony may be delivered to any person in lots of 224 lbs. (contained antimony) or less, but the total quantity of contained antimony which any person may receive in any calendar month from all sources of supply under this subparagraph shall not exceed 224 lbs.

(ii) Antimony may be delivered to the Office of Metals Reserve, Reconstruction Finance Corporation, or to any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act, as amended, or to any agent of such corporation.

(2) *Allocations and uses.* The Civilian Production Administration may from time to time allocate and direct the manner and quantity in which antimony shall be delivered or used, including the use of antimony-bearing lead scrap, secondary antimony-bearing lead alloys or any other practicable substitute in lieu of antimony. The Civilian Production Administration may also require any person seeking to place a purchase order for antimony to place the same with one or more particular suppliers. Such allocations and directions will be made primarily to insure satisfaction of all defense requirements of the United States, both direct and indirect and they may be made without regard to any preference ratings assigned to particular contracts or purchase orders.

(c) *Applications for and reports of antimony.* (1) Applications for an allocation of antimony should be made on Form CPA-2931 to the Civilian Production Administration not later than the 20th day of the month preceding the month in which delivery is requested. Applications for an allocation of antimony for export outside the United States, its territories or possessions or the Dominion of Canada may be made by letter addressed to the Civilian Production Administration furnishing the following information:

(i) The export license number and validation date;

(ii) The country to which the antimony is to be exported;

(iii) The name of the proposed supplier; and

(iv) The quantity allowed to be exported under the license.

Exports of antimony to any country other than Canada are also subject to any export license requirements of the Office of International Trade, Department of Commerce.

No application for an allocation of antimony should be filed if less critical materials obtainable from secondary sources, or substitute materials, are usable by and available to the applicant. Failure by any person to file an applica-

tion in accordance with this paragraph may be construed as notice to the Civilian Production Administration that such person does not desire an allocation of antimony for the succeeding month.

(2) Any person who on the first day of a calendar month has in his possession or under his control 2240 pounds or more of antimony or who used during the preceding calendar month 2240 pounds or more of antimony shall not later than the 20th day of such month report to the Civilian Production Administration on Form CPA-2931 in accordance with the instructions accompanying such form, regardless of whether or not he seeks an allocation of antimony during the next succeeding month.

(d) *Inventory restrictions.* No person shall knowingly deliver to any person and no person shall accept delivery of any quantity of antimony, if the total inventory in the hands of the person accepting delivery is, or by virtue of acceptance will become, in excess of his reasonably anticipated requirements for permissible uses in the next 30 days, excepting in the case of antimony as defined in paragraph (a) (1) which shall be limited to 45 days. This restriction does not apply to a producer of antimony as defined in paragraph (a).

(e) [Deleted March 12, 1947.]

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Appeals and Communications.* Any appeal from the provisions of this order shall be made by filing a letter referring to the particular provisions appealed from and stating fully the grounds of appeal. Appeals, reports and all communications concerning this order shall, unless otherwise directed, be addressed to the Tin, Lead and Zinc Branch, Civilian Production Administration, Washington 25, D. C., reference M-112.

(h) The reporting and record-keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 12th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2446; Filed, Mar. 12, 1947; 11:42 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 28, Direction 25]

PRIORITIES ASSISTANCE FOR MERCHANT PIG IRON FOR CAST IRON SOIL PIPE AND CAST IRON SOIL FITTINGS

The following direction is issued pursuant to Priorities Regulation 28:

(a) *What this direction does.* The continued shortage of merchant pig iron, particularly in certain areas, threatens the production of cast iron soil pipe and cast iron soil fittings, critically short for the Veterans Emergency Housing Program. It is necessary to maintain such production at a high level and for this purpose this direction provides for the placing of certified orders for pig iron for the production of cast iron soil pipe and cast iron soil fittings, after March 31, 1947. This direction is necessary in the public interest to promote the National Defense and to effectuate the purposes of the Veterans Emergency Housing Act of 1946.

(b) *Applications and authorizations*—(1) *What foundries may apply.* Only foundries which make cast iron soil pipe or which make both cast iron soil pipe and cast iron soil fittings may apply under this direction for authorization to place a certified order for merchant pig iron.

(2) *When to file application.* Applications should be filed on Form CPA-4570 with the Civilian Production Administration on or before the 15th day of the month preceding the month in which delivery is required, (applications for April will be accepted up to March 20).

(3) *Authorizations.* The Civilian Production Administration upon receipt of an application on Form CPA-4570 may authorize the placing by the applicant of certified orders for merchant pig iron required to make cast iron soil pipe and cast iron soil fittings. Authorizations will be returned to the applicant in time for the applicant to place his orders with the supplier for the required delivery. Such authorizations will not be granted to increase inventories and will only be granted where it is determined that the authorization is necessary to maintain or increase production of cast iron soil pipe and cast iron soil fittings. In making such authorization, CPA will take into account the extent to which the applicant in the production of cast iron soil pipe and cast iron soil fittings conserves pig iron through the use of scrap iron.

(4) *Limitation on use of merchant pig iron obtained on certified orders.* Each foundry must put into production in each month for which it receives authorization not less than the amount of merchant pig iron authorized for that month on Form CPA-4570 to make cast iron soil pipe and cast iron soil fittings.

(c) *Placement of certified orders.* A foundry which receives an authorization on Form CPA-4570 may certify its order on its supplier for merchant pig iron by furnishing with the order, a certificate in substantially the following form, signed as provided in Priorities Reg. 7.

> I certify, subject to the penalties of section 35A of the United States Criminal Code, that I have been authorized to place this order for merchant pig iron under Direction 25 to Priorities Regulation 28, serial number _____.

(1) *Restrictions on placing certified orders.* Orders may be certified for delivery only as authorized on Form CPA-4570. Thus they must be certified to the suppliers for the amount and in the month indicated on the form when it is returned by CPA.

(d) *Certified orders must be treated as rated orders.* Any purchase order certified under this direction must be treated as a rated order under Priorities Regulation 1 and accepted, scheduled and delivered accordingly, except that a producer of merchant pig iron need not accept a certified order received after the 25th day of the month preceding the month in which delivery is required, except that April orders must be accepted until March 31. The provisions of Priorities Regulation 1 will apply except to the extent that this direction is inconsistent with them.

(e) *Reports.* Producers of merchant pig iron and foundries making cast iron soil pipe or both cast iron soil pipe and cast iron fittings must furnish such reports as may be required by the CPA from time to time subject to approval by the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

Issued this 12th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2447; Filed, Mar. 12, 1947; 11:42 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3, Amdt. 20 to Supp. 1, Corr.]

SUGAR

Item 12 of section 2.1 in Amendment No. 20 to Supplement 1 to Third Revised Ration Order 3 is corrected to read as follows:

12. Canned and bottled foods (not included in other items); table syrup	60 75

Issued this 12th day of March 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-2345; Filed, Mar. 12, 1947; 11:30 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service, Department of the Interior

PART 2—GENERAL RULES AND REGULATIONS

AIRCRAFT

Part 2 is amended by adding a new § 2.63, reading as follows:

§ 2.63 *Aircraft.* The landing of commercial and private aircraft within the national parks and monuments is generally incompatible with the purposes for which the parks and monuments are administered. No person shall land aircraft on land or water, on any Federally-owned area within any national park or monument, except for emergency rescue in accordance with the directions of the officer in charge of the park or monument or where such landing is caused by unforeseeable circumstances beyond the control of such person, other than at one of the following designated landing areas:

(a) *Mount McKinley National Park, Alaska.* (1) McKinley Park Station airport, located in Sections 3 and 4, Town-

ship 14 South, Range 7 West, and Sections 33 and 34, Township 13 South, Range 7 West, Fairbanks Meridian.

(2) The surface of Wonder Lake, located in unsurveyed lands at approximate latitude 63 degrees 28 minutes North, approximate longitude 150 degrees 53 minutes West.

(b) *Death Valley National Monument, California.* Death Valley airport, located in SW¼ Section 1, and NW¼ Section 22, Township 27 North, Range 1 East, San Bernardino Base and Meridian.

(c) *Glacier Bay National Monument, Alaska.* (1) Gustavus Point airport, located in Sections 5, 7, 8, and 9, Township 40 South, Range 59 East, Copper River Meridian.

(2) The waters of Bartlett Cove, Sandy Cove, and Icy Strait in the vicinity of Gustavus Point airport.

(d) *Jackson Hole National Monument, Wyoming:* Jackson airport, located in SE¼SE¼ Section 10, SE¼ and S½SW¼ Section 11, S½ and NW¼ Section 14, NW¼NE¼ and E½NE¼ Section 15, Township 42 North, Range 116 West, 6th Principal Meridian.

(e) *Boulder Dam Recreational Area, Arizona and Nevada.* (1) Boulder City Municipal Field, located in Sections 8, 9, 16, and 17, Township 23 South, Range 64 East, Mt. Diablo Meridian, Nevada.

(2) The entire surface of Lake Mead.

(39 Stat. 535; 16 U. S. C. 3)

Issued this 25th day of February 1947.

[SEAL] OSCAR L. CHAPMAN,
Acting Secretary of the Interior

[F. R. Doc. 47-2344; Filed, Mar. 12, 1947; 8:45 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter I—Bureau of Federal Supply, Department of the Treasury

PART 5—ORGANIZATION AND PROCEDURE

Correction

In Federal Register Document No. 47-1893 appearing at page 1419 of the issue for Friday, February 28, 1947, the amending language for § 5.1 should include a reference to the effect that the headnote of paragraph (g) should read *"Government Requirements Division"* and in § 5.3 in the reference to paragraph (j) the amending language should read "paragraph (j) is added"

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

[G. O. 56, Supp. 3; WSA Function Series]

PART 306—GENERAL AGENTS AND AGENTS

COMPENSATION PAYABLE TO GENERAL AGENTS, AGENTS AND BERTH AGENTS

Correction

In Federal Register Document 47-2333, appearing at page 1683 of the issue for Wednesday, March 12, 1947, the bracket headnote should read as set forth above.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[S. O. 369, Amdt. 10]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON CLOSED BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of March A. D. 1947.

Upon further consideration of Service Order No. 369 (10 F. R. 14030), as amended (10 F R. 15073; 11 F R. 639, 2383, 7857, 8453, 10304, 11013, 14522; 12 F R. 1606) and good cause appearing therefor, it is ordered, that:

Section 95.369 *Demurrage charges on closed box cars,* of Service Order No. 369, as amended, be, and it is hereby, further amended by adding the following paragraph (c) (5) thereto:

(c) *Application.* * * *

(5) *Demurrage charges substituted for charges for storage of freight in closed box cars.* (i) The operation of all tariff rules, regulations, and charges for storage of freight in closed box cars at or short of ports consigned or reconsigned for export, coastwise or intercoastal movement is suspended insofar as they provide charges lower than the charges provided in this section.

(ii) In lieu of the charges for storage of freight in closed box cars at or short of ports suspended in subparagraph (5) (i) of this paragraph, the applicable charges for detention of closed box cars held at or short of ports, for unloading freight consigned to or reconsigned for export, coastwise or intercoastal movement shall be the demurrage charges prescribed in paragraphs (a) and (b) of this section.

It is further ordered, that this amendment shall become effective at 7:00 a. m., March 15, 1947, and the provisions of this amendment shall apply only to cars on which the free time expires on or after the effective date hereof.

It is further ordered, that a copy of this order and direction shall be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W P. BARTEL,
Secretary.

[F. R. Doc. 47-2359; Filed, Mar. 12, 1947; 8:46 a. m.]

[S. O. 647-C]

PART 95—CAR SERVICE

PRIORITY FOR WHEAT IN PACIFIC NORTHWEST

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of March A. D. 1947.

Upon further consideration of Revised Service Order No. 647 (12 F R. 104) and Service Order No. 647-B (12 F. R. 419) and good cause appearing therefor: It is ordered, that:

Service Order No. 647-B (codified as 49 CFR § 95.647) be, and it is hereby, vacated and set aside.

It is further ordered, that: § 95.647 *Box cars to be used for loading export wheat,* revised Service Order No. 647, be, and it is hereby, amended by substituting the following paragraph (c) for paragraph (c) thereof:

(c) *Expiration date.* This section shall expire at 11:59 p. m., June 30, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this order and amendment shall become effective at 12:01 a. m., March 8, 1947; that a copy of this order and direction be served upon the State railroad regulatory bodies of the States of Oregon, Washington, Idaho and Montana, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, secs. 402, 418; 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P BARTEL,
Secretary.

[F. R. Doc. 47-2358; Filed, Mar. 12, 1947; 8:46 a. m.]

[S. O. 696]

PART 95—CAR SERVICE

PRIORITY FOR EXPORT OF MAINE POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of March A. D. 1947.

It appearing, that the President of the United States has instructed various Government agencies to put into effect a number of emergency measures designed to help meet critically urgent needs for foodstuffs in various foreign countries, and that the President has directed that specific preference will be given to the rail movement of essential foods in order promptly to export maximum quantities to the destinations

where most needed; that upon representations from the Office of Defense Transportation, and due to the fact that there exists a shortage of refrigerator cars for the movement of this traffic, the Commission is of opinion that an emergency exists in the State of Maine. It is ordered, that:

§ 95.696 *Priority for export of Maine potatoes*—(a) *Priority to be accorded.* All common carriers by railroad subject to the Interstate Commerce Act, serving points located in the State of Maine, shall give preference and priority over all other traffic to supplying or placing not to exceed one hundred fifty (150) refrigerator cars each working day for loading potatoes consigned to the United States Army, Portland, Maine, providing the shipper or consignor obtains a certificate in writing from the agent appointed herein, and further providing the shipper or consignor certifies in writing on the car order that such refrigerator car is intended for the transportation of potatoes pursuant to this section.

(b) *Appointment of agent.* Joseph C. Barr, Smith Bldg., telephone Presque Isle 2-3421, Presque Isle, Maine, is hereby appointed agent for the purpose of issuing certificates in accordance with this section. The agent appointed by this section will be under the direction and supervision of V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, and he shall each day mail to the said director a copy of each certificate issued that day.

(c) *Potatoes not meeting grades.* No common carrier subject to the Interstate Commerce Act shall transport or move a refrigerator car accorded a priority under this order and loaded with potatoes unless or until it has knowledge that the potatoes loaded in the said car are of the grade or grades required by the United States Army.

(d) *Rules suspended.* The operation of all rules, regulations or practices, insofar as they conflict with the provisions of this section, is hereby suspended.

(e) *Effective date.* This section shall become effective at 12:01 a. m., March 11, 1947.

(f) *Expiration date.* This section shall expire at 11:59 p. m., April 30, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2361; Filed, Mar. 12, 1947; 8:46 a. m.]

[S. O. 653, Amdt. 3]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON GONDOLA, OPEN AND COVERED HOPPER CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of March A. D. 1947.

Upon further consideration of Service Order No. 653 (11 F. R. 14572), as amended (12 F. R. 128) and good cause appearing therefor: It is ordered, that:

Section 95.653 *Demurrage charges on gondola, open and covered hopper cars,* of Service Order No. 653, as amended, be, and it is hereby, further amended by adding the following paragraph (c) (5) thereto:

(c) *Application.* * * *

(5) *Demurrage charges substituted for charges for storage of freight in closed box cars.* (i) The operation of all tariff rules, regulations, and charges for storage of freight in closed box cars at or short of ports consigned or reconsigned for export, coastwise or intercoastal movement is suspended insofar as they provide charges lower than the charges provided in this section.

(ii) In lieu of the charges for storage of freight in closed box cars at or short of ports suspended in subparagraph (5) (i) of this paragraph, the applicable charges for detention of closed box cars held at or short of ports, for unloading freight consigned to or reconsigned for export, coastwise or intercoastal movement shall be the demurrage charges prescribed in paragraphs (a) and (b) of this section.

It is further ordered, that this amendment shall become effective at 7:00 a. m., March 15, 1947, and the provisions of this amendment shall apply only to cars on which the free time expires on or after the effective date hereof.

It is further ordered, that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2360; Filed, Mar. 12, 1947; 8:46 a. m.]

[S. O. 697]

PART 95—CAR SERVICE

PRIORITY FOR EXPORT OF RED RIVER VALLEY POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of March A. D. 1947.

It appearing, that the President of the United States has instructed various Government agencies to put into effect a number of emergency measures designed to help meet critically urgent needs for foodstuffs in various foreign countries, and that the President has directed that specific preference will be given to the rail movement of essential foods in order promptly to export maximum quantities to the destinations where most needed; that upon representations from the Office of Defense Transportation, and due to the fact that there exists a shortage of refrigerator cars for the movement of this traffic, the Commission is of opinion that an emergency exists in the States of North Dakota and Minnesota. It is ordered, that:

§ 95.697 *Permit for export Red River Valley potatoes*—(a) *Priority to be accorded.* The Great Northern Railway Company, the Northern Pacific Railway Company and the Minneapolis, St. Paul & Sault Ste. Marie Railroad Company shall give preference and priority over all other traffic to supplying or placing not to exceed two hundred (200) refrigerator cars each workingday for loading potatoes consigned to the United States Army, at Corpus Christi, or Beaumont, Texas, or Lake Charles, Louisiana, providing the shipper or consignor obtains a certificate in writing from the agent appointed herein, and further providing the shipper or consignor certifies in writing on the car order that such refrigerator car is intended for the transportation of potatoes pursuant to this section.

(b) *Appointment of agent.* Wilson H. Clark, Ryan Hotel, Telephone Grand Forks, 1660, Grand Forks, North Dakota, is hereby appointed agent for the purpose of issuing certificates in accordance with this section. The agent appointed by this section will be under the direction and supervision of V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, and he shall each day mail to the said director a copy of each certificate issued that day.

(c) *Potatoes not meeting grades.* No common carrier subject to the Interstate Commerce Act shall transport or move a refrigerator car accorded a priority under this section and loaded with potatoes unless or until it has knowledge that the potatoes loaded in the said car are of the grade or grades required by the United States Army.

(d) *Rules suspended.* The operation of all rules, regulations or practices, insofar as they conflict with the provisions of this section, is hereby suspended.

(e) *Effective date.* This section shall become effective at 12:01 a. m., March 11, 1947.

(f) *Expiration date.* This section shall expire at 11:59 p. m., April 30, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of

the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W P. BARTEL, *Secretary.*

[F. R. Doc. 47-2357; Filed, Mar. 12, 1947; 8:46 a. m.]

Subchapter B—Carriers by Motor Vehicle

[Ex Parte Nos. MC-3, MC-4]

PART 194—NECESSARY PARTS AND ACCESSORIES

SAFETY REGULATIONS GOVERNING TRANSPORTATION OF MOTOR VEHICLES BY DRIVE-AWAY METHOD

Towing of more than one vehicle by saddle-mount drive-away method found not shown to be a reasonably safe operation. Petition seeking modification of Rule 3.54 of the Motor Carrier Safety Regulations, Revised, denied.

Report of the Commission. The recommended order of the examiner, to which no exceptions were filed, was stayed by us. Our conclusions differ somewhat from those recommended.

By petition filed October 2, 1946, Howard Sober, Inc., of Lansing, Mich., a common carrier of motor vehicles by the drive-away and truck-away methods, in interstate or foreign commerce, seeks such modification of Rule 3.54 of the Motor Carrier Safety Regulations, Revised, as would authorize it and others to transport simultaneously three motor vehicles by what is described as the "dual saddle-mount" method. Specifically, petitioner asked (1) that the Commission interpret Rule 3.54 as meaning that the dual saddle-mount method does not involve the "towing" of more than one motor vehicle; or, in the alternative, (2) that the Commission order an investigation to determine the safety of this method of transporting motor vehicles and that the safety regulations, including Rule 3.54, be amended so as to permit the dual saddle-mount method; and (3) that petitioner and other motor carriers be permitted to continue this type of operation, pending the Commission's final decision herein.

By order of June 19, 1946, we denied petitioner's requests outlined in (1) and (3) above, but granted its request for an investigation, and, on our own motion, enlarged the scope thereof so as to embrace not only the particular method of drive-away utilized by petitioner but also all other methods of drive-away, the need for the adoption of specifications for tow-bars and saddle-mounts and constituent parts thereof, and other matters relating to safety of operation by the methods referred to. Hearing was held at which a number of shippers and motor carriers and an association thereof appeared in support of the petitioner. No one appeared in opposition.

In *Classification of Motor Carriers of Property,* 2 M. C. C. 703, two methods of transportation, truck-away and drive-away, by highway carriers of motor vehicles are recognized. The drive-away method is described as "the utilization of the motive power, in whole or in part, of the vehicles being transported, either in single drive-away or in combinations of two or more vehicles by use of tow-bar mechanism, saddle or bolstermount mechanism, full-mount mechanism, or any combinations of the above."

In using the tow-bar mechanism all wheels of both the towing vehicle and the towed vehicle rest on the highway, the two vehicles being joined by a bar fastened to the rear of the towing vehicle and the front of the towed vehicle. In using the saddle-mount mechanism all wheels of the towing vehicle are upon the highway but the front part of the towed vehicle is mounted on the rear portion of the chassis or frame of the towing vehicle, so that only the rear wheels of the towed vehicle are on the highway.

Rules 3.532 and 3.54 of the Motor Carrier Safety Regulations, Revised, provide:

3.532 *Tow-bar and fifth wheel requirements.* No motor vehicle shall be towed in drive-away operations by means other than a tow-bar or fifth wheel connection * * *.

3.54 *Number of drive-away vehicles in combination.* No more than one motor vehicle shall be towed in any combination of motor vehicles in any drive-away operation. This shall not be so construed as to prohibit the carrying on the structure of the towing vehicle of an additional motor vehicle or motor vehicles.

In 1945 our Bureau of Motor Carriers, hereinafter called the Bureau, was informed by its field staff that petitioner was hauling three vehicles in a combination hook-up described as a "dual saddle-mount" whereby the front end of the third vehicle was mounted on the rear of the second vehicle in the same manner as in the single saddle-mount. The Bureau regarded the method as being in contravention of Rule 3.54 of the safety regulations in that more than one vehicle was being towed, and the carrier was notified that the continuance of such transportation would be at its peril.

Thereupon, Sober filed its petition in which it admits that it had been transporting three new motor vehicles simultaneously by the dual saddle-mount, but it urges that a vehicle was not being "towed" within the meaning ascribed to that term by the motor-carrier industry, for the reason that the greater part of the weight of the vehicle was "being supported on, and transported by, the vehicle upon which it is partially mounted" It alleges that the dual saddle-mount is a safe operation which has been performed over distances exceeding 500,000 miles "without a single accident that could be attributed to the use of this mode of operation"

A prehearing conference was held at which 44 rules suggested by the Bureau as amendments to the safety regulations pertaining to drive-away operations were discussed. The conference was attended by approximately 60 representatives of drive-away and truck-away carriers, associations thereof, tow-bar manufacturers, automobile manufacturers, and companies which performed tow-bar and saddle-mount hook-up. These representatives recognized the need for additional safeguards but regarded some of the suggested rules as unnecessarily stringent. To facilitate consideration thereof two committees were chosen by the conference, one for the consideration of tow-bars and the other for the consideration of saddle-mounts. Each committee was authorized by the conference to discuss the rules affecting its interests with representatives of the Bureau and to make an agreement binding on the conference. The two meetings resulted in a full discussion of each of the suggested rules, some of which were accepted as originally written while others about which controversy arose were rewritten.

Separate agreements were entered into by each committee and the Bureau's representatives providing that the rules agreed to without change and the other rules as revised and rewritten would be recommended to us. These separate agreements were submitted to and approved by the conference, and were submitted at the hearing as stipulations between the industry conferees and representatives of the Bureau. The rules covered by these stipulations are set forth in the Appendix hereto.

At the hearing five witnesses were called by the petitioner: the assistant to its president; the general manager of the National Automobile Transporters Association which has a membership of 100 drive-away and truck-away carriers who transport in excess of 70 percent of all new vehicles delivered over the highways; a representative of a pioneer drive-away carrier who now is conducting an extensive business of servicing tow-bar and saddle-mount combinations and who served as the chairman of both conference committees; an executive of a competitor of the petitioner; and an engineer employed by a manufacturer of tow-bars. Two additional witnesses representing manufacturers-shippers, one being Director of Traffic of Chrysler Corporation and the other Traffic Manager of Truck & Coach Division, General Motors Corporation, testified. All of the witnesses expressed the opinion that operations by the dual saddle-mount method in conformity with the recommended rules would be safe.

The dual saddle-mount method is relatively new and had been utilized for about one year when our order of June 19, 1946, declared it in contravention of Rule 3.54 of the safety regulations. During the limited period of use petitioner delivered 309 vehicles and another carrier delivered 300. For movements over 200 miles the dual saddle-mount method has economic advantages to shippers, carriers, and ultimate consumers through decreased transportation costs. It had not been more widely used because some shippers and carriers were not convinced

that such combinations of three vehicles could be moved with safety, or that the method was permitted by the safety regulations. These dual saddle-mount combinations comply with state size and weight requirements.

An investigation, including tests of saddle-mounts, made by safety engineers of the Bureau discloses that at least one combination was unable to meet the braking requirements of Rules 3.323 and 3.521 when equipped with brakes on the towing vehicle only; that so-called fifth wheels were improperly mounted or insecurely anchored, resulting in undue swaying of the vehicles being towed and tending to increase the possibility of uncoupling; that wood was used in saddle-mounts in a manner which subjected it to tensile stresses likely to cause failure; that improper blocking of saddle-mounts by the use of an excessive number of wooden blocks also caused undue swaying of towed vehicles; and that there was need for minimum specifications, among other things, of the strength of kingpins, the bearing surface area between the upper and lower halves of fifth wheels, and the dimensions of "U" bolts in order to prevent unsafe designs and construction.

Two prevailing types of tow-bars are in use, one type being attached to the bumpers of the vehicle and the other to the chassis or framework. All types investigated by the Bureau's engineers were capable of steering the towed vehicle, as required by the safety regulations, but it appears that tow-bars not designed to perform this function are being used. The Bureau's engineers object to the use of the bumper type unless there is demonstrable assurance that such tow-bars are capable of operating safely. They also object to the use of tow-bars of insufficient strength, to insecure connections of parts, and to inadequate safety chains.

Drive-away operations of private carriers, such as retail dealers in new and used motor vehicles, while not as extensive as those of for-hire carriers nevertheless are of substantial volume. For-hire carriers either themselves maintain special facilities for effecting tow-bar or saddle-mount connections or have those services performed at establishments engaged exclusively in such operations. This is not generally true of private carriers.

As shown in the Appendix, the rules recommended by the conference include specifications for safety chains, tow-bars, saddle-mounts, and the means of attachment thereof. It is recognized that higher standards of design, construction, and maintenance, intended to assure equipment capable of withstanding the strains of highway transportation, are needed to promote safe operations. There was unanimity of opinion of the witnesses at the hearing that the rules recommended will supply the needed requirements and promote safety of operation. The more important provisions of the rules are as follows:

Recommended Rule 3.521 is designed to correct brake deficiencies disclosed by the Bureau's investigation.

Recommended Rule 3.53211 is designed to provide that tow-bars shall have adequate strength. Slight changes have been made in the table included in this rule as recommended by the conference. The significant figures have been rounded to the nearest 500 pounds by also rounding the constants in the formulae from 1.25 to 1.3 and from 0.583 to 0.6, respectively. This also makes the figures in the table accord more closely to the basis of calculation agreed upon—that the strength of the tow-bar should be related to the stored energy of the moving vehicles attached thereby the mass of the vehicles multiplied by the deceleration required by the Commission's regulations (approximately 14 feet per second per second) multiplied by a safety factor of three.

Drive-away carriers have large stocks of tow-bar equipment conforming to present requirements, some of which probably will fall short of the higher standards required by the new rules. These stocks cannot be replaced during the present shortage of materials, etc., and to prohibit their use would seriously curtail carriers' operations. However, there are known to be some tow-bars in operation at present which should not under any circumstances be allowed to continue in operation. Rule 3.53211 has, therefore, been so designed to: (a) prohibit all tow-bars not conforming to a minimum standard; (b) permit continued use of certain tow-bars now in operation which are capable of complying with this minimum but are incapable of complying with the more stringent requirements for new tow-bars; and (c) require that tow-bars manufactured after the specified date comply with the more stringent standards required therefor.

Recommended Rule 3.53213, governing tow-bar fastenings, has been changed to provide that tow-bars may be attached to bumpers of new vehicles only. The rule originally proposed in the conference notice prohibited any attachment of a tow-bar to a bumper. This was vigorously opposed by the tow-bar operators on the grounds that the method had not been prohibited by the safety regulations; that such operations had been conducted with safety, because manufacturers of motor vehicles had designed and constructed bumpers to meet towing requirements; that drive-away carriers operating solely by that method would summarily be forced to discontinue business; and that such a rule would be arbitrary and unreasonable.

While recognizing the force of this argument, we believe that a distinction should be made between new and used vehicles and that the attachment of tow-bars to bumpers of used vehicles should be prohibited. Until consumers' needs for new motor vehicles are supplied there necessarily will be considerable transportation of used cars throughout the United States, much of it for long distances. Such transportation principally is private carriage by used car dealers who usually perform the coupling of vehicles transported. Even if it is conceded that bumpers of new vehicles will withstand the strain of towing another vehicle, it is nevertheless, common knowledge that in ordinary use bumpers are subjected to strains and stresses which deform and weaken them, and that continued exposure to adverse weather causes rust and deterioration. It is our opinion that these factors render such a towing method unsafe. Therefore, a second proviso has been added to Rule 3.532103 as recommended by the conference which prohibits a tow-bar being attached to a bumper of a used car.

In several instances, notably in the recommended Rules 3.532222 and 3.53223, slight changes in wording not affecting substance have been made for purposes of clarification.

Recommended Rules 3.532 to 3.532110, inclusive, are designed to effect structural adequacy and to assure the proper functioning of tow-bars.

Recommended Rules 3.5322 to 3.53228, inclusive, are designed to secure structural adequacy and to assure the proper functioning of single saddle-mounts and their connections.

Recommended Rules 3.532291 to 3.544, inclusive, are general provisions designed to promote safety in drive-away movements and apply more particularly to methods of operation than to details of design and construction.

Available statistics indicate that during 1945 over 33,000 people were killed and over a million people were injured in motor vehicle accidents. Trucks and busses were involved in about one-fourth of the fatal accidents and in about 17 percent of all motor vehicle accidents. There has been a substantial increase in the number of accidents, in the number of fatalities, and in the number of serious injuries during the year 1946. Reports filed by regulated carriers with the Bureau for the first nine months of 1946 show 3,477 accidents involving passenger-carrying vehicles and 7,445 accidents involving property-carrying vehicles, resulting in 993 fatalities, 12,423 injuries, and almost $10,000,000 property damage. The number of fatalities is 18 per cent higher than for the corresponding period of 1945. Congress has imposed upon us the duty to establish reasonable requirements with respect to safety of operation and equipment of common, contract and private carriers by motor vehicle. The responsibility is ours to see to it that, so far as possible, the operations of such carriers in interstate or foreign commerce are reasonably safe. If we have any doubt about the safety of a proposed new type of motor carrier operation we should not approve it, even though it appears that it might be as safe as some existing operation and that it probably will permit the performance of a cheaper service with resulting advantage to shippers and carriers.

At the pre-hearing conference heretofore referred to the representatives of the industry and the two representatives of the Bureau agreed to certain rules proposed by the Bureau. At the hearing all witnesses, except one of the Bureau's representatives, were from the industry. Their testimony relates largely to the soundness of the specifications for tow-bars, saddle-mount equipment, etc., contained in the proposed rules, and to ex-

pressions of opinion that the dual saddle-mount method probably is as safe as the present tow-bar method.

We believe that the specifications and other rules hereafter prescribed are needed to promote safe operation. We are not persuaded, however, that the record establishes that the towing of two motor vehicles by the dual saddle-mount method or otherwise constitutes a safe operation on the highways. It is apparent that a combination of three vehicles, particularly trucks, would seriously interfere with the free movement of single vehicles along the same highways, in that it would tend to increase the danger of passing. We doubt that such combinations of vehicles are adapted to making sharp turns, backing, and stopping with the ease and certainty which safety requres. We are unwilling to approve new methods of operations, the safety of which appears doubtful, solely on the opinions of motor carriers or other parties in interest that such new methods would be as safe as some existing methods.

The record before us does not justify a modification of our safety regulations which will permit the use of the dual saddle-mount method or which will permit a motor vehicle to be full-mounted on a vehicle towed by means of a single saddle-mount.

Upon this record we find:

(1) That there is a need for prescribing more specific requirements to assure safety of operation in the transportation of motor vehicles in interstate or foreign commerce by drive-away motor carriers;

(2) That the rules included in the appended order are reasonable and adequate requirements which will supply such need;

(3) That the said rules will promote safety of operation and will be in the public interest; and

(4) That the evidence does not affirmatively establish that the dual saddle-mount method of operation or the carrying of a full-mounted vehicle on a vehicle towed by the single saddle-mount method are reasonably safe.

An appropriate order will be entered.

Appendix

At the conference held at Detroit, Michigan, July 22–23, 1946, prior to the hearing on the petition of Howard Sober, Inc., in Ex Parte Nos. MC–4 and MC–3, the following rules were agreed upon by representatives of the industry and of the Bureau of Motor Carriers, and their adoption by the Commission for inclusion in the present drive-away rules of Part 3 of the Motor Carrier Safety Regulations, Revised, was recommended:

3.52 *Brakes, drive-away operations.*

3.521 *Brake performance.* Every drive-away operation, whether of single motor vehicle or combination, shall meet the requirements of Rule 3.323 as to brake performance: *Provided, however* That brakes need be operative only on the towing vehicle if such brakes enable the combination to meet the requirements of Rule 3.323; if not, such additional brakes shall be provided as may be necessary to enable the combination to meet the stopping requirements.

3.532 *Tow-bar and fifth wheel requirements.* No motor vehicle shall be towed in drive-away operations by means other than a tow-bar or saddle-mount connection which shall meet the requirements set forth below:

3.5321 *Specifications for tow-bars.*

3.53211 *Tow-bar to be structurally adequate and properly mounted.* The tow-bar shall be structurally adequate and properly installed and maintained. To insure that it is structurally adequate it must, at least, meet the requirements of the following table:

Gross weight of towed vehicle (pounds) [1]	Longitudinal strength in tension and compression [2]	Strength as a beam (in any direction—concentrated load at center) [2]
Less than 5,000	15,000	7,000
5,000 and over—less than 10,000	30,000	14,000
10,000 and over—less than 15,000	45,000	21,000

[1] Over 15,000 pounds gross vehicle weight, the required strength shall be computed by means of the following formulae:

Longitudinal strength=gross weight of towed vehicle x 3.

Strength as a beam=gross weight of towed vehicle x 1.4.

[2] In testing, the whole unit shall be tested with all clamps, joints, and pins so mounted and fastened as to approximate conditions of actual operation.

NOTE: It was agreed that the table should stay in its present form, but that the strength values inserted in the table will be subject to testimony at the hearing. The manufacturers state that they believe a safety factor of three, based on a deceleration of 13.4 feet per second per second would be sufficient to provide for a tow-bar which would have adequate strength.

3.53212 *Tow-bar to be jointed.* The tow-bar shall be so constructed as to freely permit motion in both horizontal and vertical planes between the towed and towing vehicles. The means used to provide the motion shall be such as to prohibit the transmission of stresses under normal operation between the towed and towing vehicles, except along the longitudinal axes of the tongue or tongues.

3.53213 *Tow-bar fastening.* Adequate means shall be provided for securely fastening the tow-bar to the towed and towing vehicles. The means used to transmit the stresses to the chassis or frames of the towed and towing vehicles may be either temporary structures or bumpers or other integral parts of the vehicles; however, the means used shall be so constructed, installed, and maintained that, when tested as an assembly, failure in such members shall not occur when the weakest tow-bar which is permissible to use under Rule 3.53211 is subjected to the tests given in that rule.

3.53214 *Means of adjusting length.* On tow-bars, adjustable as to length, the means used to make such adjustment shall fit tightly and not result in any slackness or permit the tow-bar to bend. With the tow-bar supported rigidly at both ends and with a load of 50 pounds at the center, the sag, measured at the center, in any direction, shall not exceed 0.25 inch under any condition of adjustment as to length.

3.53215 *Method of clamping.* Adequate means shall be provided for securely fastening the tow-bar to the towed and towing vehicles.

3.53216 *Tow-bar connection to steering mechanism.* The tow-bar shall be provided with suitable means of attachment to and actuation of the steering mechanism of the towed vehicle. The attachment shall provide for sufficient angularity of movement of the front wheels of the towed vehicle so that it may follow substantially in the path of the towing vehicle without cramping the tow-bar. The tow-bar shall be provided with suitable joints to permit such movement.

3.53217 *Tracking.* The tow-bar shall be so designed, constructed, maintained, and mounted as to cause the towed vehicle to follow substantially in the path of the towing vehicle. Tow-bars of such design or in such condition as to permit the towed vehicle to deviate more than 3 inches to either side of the path of a towing vehicle moving in a straight line shall not be permitted.

Safety chains and cables. The towed vehicle shall be connected to the towing vehicle by means of two safety chains or cables. The tensile strength of any such chains or cables and their means of attachment to the vehicles shall be at least equivalent to the corresponding strength required for the longitudinal strength given in the table of Rule 3.53211. The required strength shall be the combined strength of the combination of chain and cables.

The chains or cables shall be crossed and attached to the vehicles near the points of bumper attachments to the chassis of such vehicle. The lengths of chains used shall be no more than necessary to permit free turning of the vehicles. The chains shall be attached to the tow-bar at the point of crossing or as close thereto as is practicable.

A. *Specification for passenger car trailer couplings.* Trailer couplings used for drive-away operations of passenger car trailers shall comply with the SAE Recommended Practice Passenger Car Trailer Couplings contained in the 1945 SAE Handbook.

3.5322 *Specification for saddle-mount.*

NOTE: Rules 3.53221–3.532294, inclusive, which are given below, are intended to replace Rule 3.5324 which reads as follows:

3.5324 *Fifth wheel connection.* The upper and lower halves of any fifth wheel (saddle-mount) connection shall be attached securely, although not required to be permanently attached, to the towing and towed motor vehicles, respectively, by means affording equivalent security to those set forth in Rules 3.3461, 3.3462, and 3.3463, for fifth wheel connections.

3.53221 *Definitions:*

3.532211 The term "saddle-mount" means a device, designed and constructed as to be readily demountable, used in drive-away operations to perform the functions of a conventional fifth wheel.

3.532212 The term "upper-half" of a "saddle-mount" means that part of the device which is securely attached to the towed vehicle and maintains a fixed position relative thereto but does not include the "king-pin"

3.532213 The term "lower-half" of a "saddle-mount" means that part of the device which is securely attached to the towing vehicle and maintains a fixed position relative thereto but does not include the "king-pin"

3.532214 The term "king-pin" means that device which is used to connect the "upper-half" to the "lower-half" in such manner as to permit relative movement in a horizontal plane between the towed and towing vehicles.

3.53222 *"Upper-half" specifications.*

3.532221 *Connection of "upper-half" to towed vehicle.* The "upper-half" shall be securely attached to the frame or axle of the towed vehicle by means of U-bolts or other means providing at least equivalent security.

3.532222 *Construction of "U-bolts" or other means of attachment.* "U-bolts" used to attach the "upper-half" to the towed vehicle shall be made of steel rod, free of defects, so shaped as to avoid at any point a radius of less than one inch unless the bolt is so constructed as to avoid a reduction in cross sectional area of less than 5% due to bending, in which event the minimum radius shall be 1/16 inch. "U-bolts" shall have a diameter not less than as required by the following table:

Weight in pounds of heaviest towed vehicle	Diameter of U bolt in inches		
	Double saddle-mount		Single saddle-mount[1]
	Front mount	Rear mount	
Up to 5,000 pounds	0.5625	0.500	0.500
5,000 pounds and over	.625	.5625	.5625

[1] If a vehicle is full-mounted on the single saddle-mounted vehicle, the total weight of the 2 vehicles being towed shall govern.

If other devices are used to accomplish the same purposes as "U-bolts" they shall have at least equivalent strength of "U-bolts" made of mild steel. Cast iron shall not be used for clamps or any other holding devices.

3.532223 *Location of "U-bolts" and points of support.* The distance between the most widely separated "U-bolts" shall not be less than 9 inches. The distance between the most widely separated points where the "upper-half" supports the towed vehicle shall not be less than 9 inches, except that saddle-mounts employing ball and socket joints shall be required to employ a device which clamps the axle of the towed vehicle throughout a length of not less than 5 inches.

3.532224 *Specification for cradle-type "upper-halves"* "Upper-halves" of the cradle-type using vertical members to restrain the towed vehicle from relative movement in the direction of motion of the vehicles shall be substantially constructed and adequate for the purpose. Such cradle-mounts shall be equipped with at least one bolt or equivalent means to provide against relative vertical movement between the upper-half and the towed vehicle. Bolts, if used, shall be at least ½ inch in diameter. Devices using equivalent means shall have at least equivalent strength. The means used to provide against relative vertical motion between the "upper-half" and the towed vehicle shall be such as not to permit a relative motion of over ½ inch. The distance between the most widely separated points of support between the "upper-half" and the towed vehicle shall be at least 9 inches.

3.532225 *Provision against lateral movement of towed vehicle.* Towed vehicles having a straight axle or an axle having a drop of less than three inches shall be securely fastened by means of chains or cables to the "upper-half" so as to insure against relative lateral motion between the towed vehicle and the "upper-half." The chains or cables shall be at least 5/16 inch in diameter and secured by bolts of at least equal diameter.

Towed vehicles with an axle with a "drop" of three inches or more need not be restrained by chains or cables provided that the "upper-half" is so designed as to provide against such relative motion nor shall such chains or cables be required if the "upper-half" is so designed as positively to provide against lateral movement of the axle.

3.53223 *"Lower-half" specifications.*

3.532231 [This regulation stricken out in its entirety.]

3.532232 *Construction of "U-bolts" or other means of attachment.* "U-bolts" used to attach the "lower-half" to the towing vehicle shall be made of steel rod, free of defects, so shaped as to avoid at any point a radius of less than one inch unless the bolt is so constructed as to avoid a reduction in cross-sectional area of less than 5% due to bending, in which event the minimum radius shall be 1/16 inch. "U-bolts" shall have a total cross-sectional area not less than as required by the following table:

Weight in pounds of heaviest towed vehicle	Total cross-sectional area of U-bolts in square inches		
	Double saddle-mount		Single saddle-mount[1]
	Front mount	Rear mount	
Up to 5,000 pounds	1.0	0.8	0.8
5,000 pounds and over	1.2	1.0	1.0

[1] If a vehicle is full-mounted on the single saddle-mounted vehicle, the total weight of the 2 vehicles being towed shall govern.

If other devices are used to accomplish the same purposes as "U-bolts", they shall have at least equivalent strength of "U-bolts" made of mild steel. Cast iron shall not be used for any clamps or any other holding devices.

3.532233 *Provisions against shifting.* Adequate provision shall be made by design and installation to provide against relative movement between the "lower-half" and the towing vehicle especially during periods of rapid acceleration and deceleration.

3.532234 *Provisions against swaying.* Adequate provision shall be made by design and installation to provide against swaying or lateral movement of the towed vehicle relative to the towing vehicle. To insure against swaying, "lower-halves" designed with cross members attached to but separable from verticle members shall have such cross-members fastened to the vertical members by at least two bolts on each side. Such bolts shall be of at least equivalent cross-sectional area to those required for "U-bolts" for the corresponding saddle-mount as given in the table in Rule 3.532232. The minimum distance between the most widely separated points of support of the cross-member by the vertical member shall be three inches as measured in a direction parallel to the longitudinal axis of the towing vehicle.

The "lower-half" shall have a bearing surface on the frame of the towing vehicle of such dimensions that the pressure exerted by the "lower-half" upon the frame of the towing vehicle shall not exceed 200 pounds per square inch under any conditions of static loading. Hardwood blocks or blocks of other suitable material, such as hard rubber, aluminum or brake lining, if used between the "lower-half" and the frame of the towing vehicle shall be at least ½ inch thick, 3 inches wide, with a combined length of 6 inches.

Under no condition shall the highest point of support of the towed vehicle by the "upper-half" be more than twenty-four inches, measured vertically, above the top of the frame of the towing vehicle measured at the point where the "lower-half" rests on the towing vehicle.

3.532235 *Limitations on use of wood blocks.* Hard wooden blocks, of good quality, may be used to build up the height of the front end of the towed vehicle, provided that the total height of such wood blocks shall not exceed eight inches and not over two separate pieces are placed upon each other to obtain such height; however, hard wood blocks, not over four in number, to a total height not to exceed 14 inches may be used if the total cross-sectional area of the "U-bolts" used to attach the "lower-half" to the towing vehicle is at least 50% greater than that required by table contained in Rule 3.532232; or, if other devices are used in lieu of "U-bolts" they shall provide for as great a resistance to bending as is provided by the larger "U-bolts" above prescribed.

Hardwood blocks must be at least four inches in width and the surfaces between blocks or block and "lower-half" or block and "upper-half" shall be plane and so installed and maintained as to minimize any tendency of the towed vehicle to sway or rock.

3.532236 *Specifications for cross-member.* The cross-member, which is that part of the "lower-half" used to distribute the weight of the towed vehicle equally to each member of the frame of the towing vehicle, if used, shall be structurally adequate and properly installed and maintained adequately to perform this function.

3.5322361 *Limitation on use of wood.* No materials, other than suitable metals, shall be used as the cross-member and wood may not be used structurally in any manner that will result in its being subject to tensile stresses. Wood may be used in cross-members if supported throughout its length by suitable metal cross-members.

3.532237 *Strength of "lower-half."* The "lower-half" shall be capable of supporting the loads given in the following table. For purpose of test, the saddle-mount shall be mounted as normally operated and the load applied through the "upper-half."

Weight in pounds of heaviest towed vehicle	Minimum load		
	Double saddle-mount		Single saddle-mount[1]
	Front mount	Rear mount	
Up to 5,000 pounds	10,000	5,000	5,000
5,000 pounds and over	20,000	10,000	10,000

[1] If a vehicle is full-mounted on the single saddle-mounted vehicle, the total weight of the 2 vehicles being towed shall govern.

3.53224 *Bearing surface between "upper and lower-half."* The "upper and lower-halves" shall be so constructed and connected that the bearing surface between the two halves shall not be less than sixteen square inches under any conditions of angularity between the towing and towed vehicles: *Provided,* That saddle-mounts using a ball and socket joint shall have a ball of such dimension that the static bearing load shall not exceed 800 pounds per square inch based on the projected cross-sectional area of the ball: *And further provided,* That saddle-mounts having the "upper-half" supported by ball-taper or roller-bearings shall not have such bearings loaded beyond the limits prescribed for such bearings by the manufacturer of the bearing. The "upper-half" shall rest evenly and smoothly upon the "lower-half" and the contact surfaces shall be lubricated and maintained so that there shall be a minimum of frictional resistance between the parts.

3.53225 *Universal action of saddle-mount.* All new saddle-mounts acquired and used on or after 2 years subsequent to date of decision shall provide for angularity between the towing and towed vehicles due to vertical curvature of the highway. Such means shall not depend upon either the looseness or deformation of the parts of either the saddle-mount or the vehicles to provide for such angularity.

3.53226 *Specifications for king-pin.*

3.532261 *Size of king-pin.* King-pins shall be constructed of steel suitable for the purpose, free of defects, and having a diameter not less than required by the following table:

Weight in pounds of heaviest towed vehicle	Diameter of solid king-pin in inches					
	Double saddle-mount				Single saddle-mount[1]	
	Front mount		Rear mount			
	Mild steel	High tensile steel	Mild steel	High tensile steel	Mild steel	High tensile steel
Up to 5,000 pounds	1.000	0.875	0.875	0.750	0.875	0.750
5,000 pounds and over	1.250	1.000	1.000	.857	1.000	.875

[1] If a weight is full-mounted on the single saddle-mounted vehicle, the total weight of the 2 vehicles being towed shall govern.

If a ball and socket joint is used in place of a king-pin the diameter of the neck of the ball shall be at least equal to diameter of the corresponding solid king-pin given in the above table. If hollow king-pins are used, the cross-sectional area shall be at least equal to the cross-sectional area of the corresponding solid king-pin.

3.532262A *King-pin fit.* If a king-pin bushing is not used, the king-pin shall fit snugly into the "upper and lower-halves" but shall not bind. These portions of the "upper or lower-halves" in moving contact with the king-pin shall be smoothly machined with no rough or sharp edges. The bearing surface thus provided shall not be less in depth than the radius of the king-pin.

3.532262B *King-pin bushing required.* The king-pin of all new saddle-mounts acquired on or after 2 years subsequent to date of decision shall be snugly enclosed in a bushing at least along such length of the king-pin as may be in moving contact with either the "upper or lower-halves" The bearing surface thus provided shall not be less in depth than the radius of the king-pin.

3.532263 *King-pin to restrain vertical motion.* The king-pin shall be so designed and installed as to restrain the "upper-half" from moving in a vertical direction relative to the "lower-half"

3.53227 *Tracking.* The saddle-mount shall be so designed, constructed, maintained, and installed that the towed vehicle or vehicles will follow substantially in the path of the towing vehicle without swerving. Towed vehicles shall not deviate more than three inches to either side of the path of the towing vehicle when moving in a straight line.

3.53228 *Location of the saddle-mount:*

3.532281 *Bending of frame of towing vehicle.* Where necessary, provision shall be made to prevent the bending of the frame of the towing vehicle by insertion of suitable blocks inside the frame channel to prevent kinking.

The "saddle-mount" shall not be so located as to cause deformation of the frame by reason of cantilever action.

3.532282 *Prohibition of extension of frame.* No saddle-mount shall be located at a point to the rear of the frame of the towing vehicle.

3.53229 *General provision.*

3.532291 *Restraining front wheels.* Towed vehicle shall, by adequate means, have the motion of the front wheels restrained if under any condition of turning of such wheels they will project beyond the widest portion of either the towed or towing vehicle.

3.532292 *Front end of towed vehicle on towing vehicle.* Unless the steering mechanism is locked in a straight-forward position, all vehicles being towed by saddle-mount shall be towed with the front end mounted on the towing vehicle.

3.532293 *Nuts to be secured.* All nuts used on bolts, "U-bolts", king-pins, or in any other part of the saddle-mount shall be secured against accidental disconnection by means of cotter-keys, lock-washers, double-nuts, safety-nuts, or equivalent means. Parts shall be so designed and installed that nuts shall be fully engaged.

3.532294 *Inspection of all parts.* The saddle-mount shall be so designed that it may be disassembled and each separate part inspected for worn, bent, cracked, broken, or missing parts.

3.54 *Number of drive-away vehicles in combination.*

3.541 *Number of drive-away vehicles in combination by tow-bar* No more than one motor vehicle shall be towed by a tow-bar.

3.542 *Number of drive-away vehicles in combination by saddle-mount.* No more than two vehicles in combination shall be towed by saddle-mounts.

3.543 *Carrying vehicles on towing vehicle.* When adequately and securely attached, by means equivalent in security to that provided in Rule 3.532222, an additional motor vehicle or motor vehicles may be full-mounted on the structure of the towing vehicle.

3.544 *Carrying vehicles on towed vehicles.* No full-mounted motor vehicle shall be transported on any motor vehicle towed by a tow-bar. No motor vehicle shall be full-mounted on a motor vehicle towed by means of a saddle-mount unless the center line of the king-pin, or equivalent means of attachment, is located forward of the center line of the rear axle of the towing vehicle, and unless a perpendicular from the center of gravity of the full-mounted vehicle lies forward of the center line of the rear axle of the saddle-mounted vehicle. No motor vehicle shall be full-mounted on either of the vehicles being towed by means of a double saddle-mount.

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 27th day of February A. D. 1947.

In the matter of qualifications of employees and safety of operation and equipment of common carriers and contract carriers by motor vehicle, Ex Parte No. MC-4.

In the matter of need for establishing reasonable requirements to promote safety of operation of motor vehicles used in transporting property by private carriers, Ex Parte No. MC-3.

It appearing, that pursuant to our order of June 19, 1946 (11 F R. 7622), a hearing has been had on the petition filed herein by Howard Sober, Inc., to determine whether the towing of more than one motor vehicle by means of the saddle-mount method in drive-away operations should be permitted, and whether there is a need for revision of the Motor Carrier Safety Regulations, Revised, to assure safety of operations in other drive-away methods, and that our report containing findings of fact and our conclusions therefrom is filed herein and made a part hereof; and

It further appearing, that there is need for establishing more specific safety requirements for all drive-away operations by appropriate revision of the Motor Carrier Safety Regulations, Revised, and that the rules hereinafter prescribed are reasonable requirements which will promote the safety of such operations and therefore will be in the public interest:

It is ordered, That Part 3 of the Motor Carrier Safety Regulations, Revised

(Part 194) be and it hereby is amended as follows:

Section 194.5 (b) (1), (c) (2) (c) (2) (i) (ii), (iii) (iv) and (d) (Rules 3.5, 3.521, 3.532, 3.5321, 3.5322, 3.5323, 3.5324, and 3.54, Motor Carrier Safety Regulations, Revised) are vacated, and in lieu thereof the following rules are adopted, and prescribed and made applicable to transportation in interstate or foreign commerce by common carriers by motor vehicle, contract carriers by motor vehicle, and private carriers of property by motor vehicle.

NOTE: The changed form of numbering the rules herein is required by the Federal Register Act.

§ 194.5 *Drive-away operations.* No motor vehicle shall be transported in interstate or foreign commerce by the drive-away method unless every vehicle and the equipment used in any such drive-away operation shall conform to such of the following rules as are applicable to its particular type and classification:

* * * * *

(b) *Brakes, drive-away operations*—(1) *Brake performance.* Every drive-away operation, whether of single motor vehicle or combination, shall meet the requirements of § 194.3 (b) (3) as to brake performance; *Provided, however,* That brakes need be operative only on the towing vehicle if such brakes enable the combination to meet the requirements of § 194.3 (b) (3) if not, such additional brakes shall be provided as may be necessary to enable the combination to meet the stopping requirements.

(2) *Tow-bar and saddle-mount requirements.* No motor vehicle shall be towed in drive-away operations by means other than a tow-bar or saddle-mount connection which shall meet the requirements set forth below:

(i) *Specifications for tow-bars*—(a) *Tow-bars to be structurally adequate and properly mounted.* Every tow-bar shall be structurally adequate and properly installed and maintained. To insure that it is structurally adequate, it must, at least, meet the requirements of the following table:

Gross weight of towed vehicle (pounds) [1]	Longitudinal strength in tension and compression [2]		Strength as a beam (in any direction—concentrated load at center) [2 3]
	All tow-bars	New tow-bars acquired and used by a motor carrier after April 15, 1947	
Less than 5,000	3,000	6,500	3,000
5,000 and over—less than 10,000	6,000	13,000	6,000
10,000 and over—less than 15,000	9,000	19,500	9,000

[1] 15,000 pounds and over gross vehicle weight, the required strength shall be computed by means of the following formulae: Longitudinal strength=gross weight of towed vehicle x 1.3. Strength as a beam=gross weight of towed vehicle x 0.6.

[2] In testing, the whole unit shall be tested with all clamps, joints, and pins so mounted and fastened as to approximate conditions of actual operation.

[3] This test shall be applicable only to tow-bars which are, in normal operation, subjected to a bending moment, such as tow-bars for house trailers.

(b) *Tow-bar to be jointed.* The tow-bar shall be so constructed as to freely permit motion in both horizontal and vertical planes between the towed and towing vehicles. The means used to provide the motion shall be such as to prohibit the transmission of stresses under normal operation between the towed and towing vehicles, except along the longitudinal axis of the tongue or tongues.

(c) *Tow-bar fastenings.* The means used to transmit the stresses to the chassis or frames of the towed and towing vehicles may be either temporary structures or bumpers or other integral parts of the vehicles: *Provided, however,* That the means used shall be so constructed, installed, and maintained that, when tested as an assembly, failure in such members shall not occur when the weakest new tow-bar which is permissible to use under subdivision (a) of this subdivision is subjected to the tests given in that rule: *And provided further,* That the attachment of a tow-bar to a bumper of a used motor vehicle is prohibited.

(d) *Means of adjusting length.* On tow-bars, adjustable as to length, the means used to make such adjustment shall fit tightly and not result in any slackness or permit the tow-bar to bend. With the tow-bar supported rigidly at both ends and with a load of 50 pounds at the center, the sag, measured at the center, in any direction, shall not exceed 0.25 inch under any condition of adjustment as to length.

(e) *Method of clamping.* Adequate means shall be provided for securely fastening the tow-bar to the towed and towing vehicles.

(f) *Tow-bar connection to steering mechanism.* The tow-bar shall be provided with suitable means of attachment to and actuation of the steering mechanism of the towed vehicle. The attachment shall provide for sufficient angularity of movement of the front wheels of the towed vehicle so that it may follow substantially in the path of the towing vehicle without cramping the tow-bar. The tow-bar shall be provided with suitable joints to permit such movement.

(g) *Tracking.* The tow-bar shall be so designed, constructed, maintained, and mounted as to cause the towed vehicle to follow substantially in the path of the towing vehicle. Tow-bars of such design or in such condition as to permit the towed vehicle to deviate more than 3 inches to either side of the path of a towing vehicle moving in a straight line shall not be permitted.

(h) *Specification for passenger car trailer couplings.* Trailer couplings used for drive-away operations of passenger car trailers shall comply with the SAE Recommended Practice Passenger Car Trailer Couplings, contained in the 1945 SAE Handbook.

(i) *Marking new tow-bars.* Every new tow-bar acquired and used in drive-away operations by a motor carrier after April 15, 1947, shall be plainly marked with the following certification of the manufacturers thereof (or words of equivalent meaning) "This tow-bar complies with the requirement of the Interstate Commerce Commission for 5000-pound vehicles" (or 10,000 pounds or 15,000 pounds or more as specified in subdivision (a) of this subdivision). "Manufactured (Month) (Year) by (Name of Manufacturer)."

(j) *Safety chains and cables.* The towed vehicle shall be connected to the towing vehicle by means of two safety chains or cables. The tensile strength of any such chains or cables and their means of attachment to the vehicles shall be at least equivalent to the corresponding strength for new tow-bars required for the longitudinal strength given in the table of subdivision (a) of this subdivision. The required strength shall be the combined strength of the combination of chains and cables.

The chains or cables shall be crossed and attached to the vehicles near the points of bumper attachments to the chassis of such vehicle. The lengths of chains used shall be no more than necessary to permit free turning of the vehicles. The chains shall be attached to the tow-bar at the point of crossing or as close thereto as is practicable.

(ii) *Specifications for saddle-mount*—(a) *Definitions.* (1) "Saddle-mount" means a device, designed and constructed as to be readily demountable, used in drive-away operations to perform the functions of a conventional fifth wheel.

(2) "Upper-half" of a saddle-mount" means that part of the device which is securely attached to the towed vehicle and maintains a fixed position relative thereto but does not include the "king-pin"

(3) "Lower-half" of a "saddle-mount" is securely attached to the towing vehicle and maintains a fixed position relative thereto but does not include the "king-pin"

(4) "King-pin" means that device which is used to connect the "upper-half" to the "lower-half" in such manner as to permit relative movement in a horizontal plane between the towed and towing vehicles.

(b) *"Upper-half" specifications*—(1) *Connection of "upper-half" to towed vehicle.* The "upper-half" shall be securely attached to the frame or axle of the towed vehicle by means of U-bolts or other means providing at least equivalent security.

(2) *Construction of "U-bolts" or other means of attachment.* "U-bolts" used to attach the "upper-half" to the towed vehicle shall be made of steel rod, free of defects, so shaped as to avoid at any point a radius of less than one inch: *Provided, however* That a lesser radius may be utilized if the "U-bolt" is so fabricated as not to cause more than 5% reduction in cross-sectional area at points of curvature, in which latter event the minimum radius shall be 3/16 inch. "U-bolts" shall have a diameter not less than as required by the following table:

Weight in pounds of towed vehicle:	*Diameter of U-bolt in inches, saddle-mount* [1]
Up to 5,000 pounds	0.500
5,000 pounds and over	.5625

[1] If other devices are used to accomplish the same purposes as "U-bolts" they shall have at least equivalent strength of "U-bolts" made of mild steel. Cast iron shall not be used for clamps or any other holding devices.

(3) *Location of "U-bolts" and points of support.* The distance between the most widely separated "U-bolts" shall not be less than 9 inches. The distance between the most widely separated points where the "upper-half" supports the towed vehicle shall not be less than 9 inches, except that saddle-mounts employing ball and socket joints shall be required to employ a device which clamps the axle of the towed vehicle throughout a length of not less than 5 inches.

(4) *Specifications for cradle-type upper-halves"* "Upper-halves" of the cradle-type using vertical members to restrain the towed vehicle from relative movement in the direction of motion of the vehicles shall be substantially constructed and adequate for the purpose. Such cradle-mounts shall be equipped with at least one bolt or equivalent means to provide against relative vertical movement between the "upper-half" and the towed vehicle. Bolts, if used, shall be at least ½ inch in diameter. Devices using equivalent means shall have at least equivalent strength. The means used to provide against relative vertical motion between the "upper-half" and the towed vehicle shall be such as not to permit a relative motion of over ½ inch. The distance between the most widely separated points of support between the "upper-half" and the towed vehicle shall be at least 9 inches.

(5) *Provision against lateral movement of towed vehicle.* Towed vehicles having a straight axle or an axle having a drop of less than three inches shall be securely fastened by means of chains or cables to the "upper-half" so as to insure against relative lateral motion between the towed vehicle and the "upper-half" The chains or cables shall be at least 3/16 inch in diameter and secured by bolts of at least equal diameter.

Towed vehicles with an axle with a "drop" of three inches or more need not be restrained by chains or cables provided that the "upper-half" is so designed as to provide against such relative motion.

Chains or cables shall not be required if the "upper-half" is so designed as positively to provide against lateral movement of the axle.

(c) *"Lower-half" specifications—(1) Construction of "U-bolts" or other means of attachment.* "U-bolts" used to attach the "lower-half" to the towing vehicle shall be made of steel rod, free of defects, so shaped as to avoid at any point a radius of less than one inch; *Provided, however* That a lesser radius may be utilized if the "U-bolt" is so fabricated as not to cause more than 5% reduction in cross-sectional area at points of curvature, in which latter event the minimum radius shall be 1/16 inch. "U-bolts" shall have a total cross-sectional area not less than as required by the following table:

Weight in pounds of towed vehicle:	*Total cross-sectional area of U-bolts in square inches Saddle-mount*[1]
Up to 5,000 pounds	0.8
5,000 pounds and over	1.0

[1] If other devices are used to accomplish the same purposes as "U-bolts" they shall have at least equivalent strength of "U-bolts" made of mild steel. Cast iron shall not be used for any clamps or any other holding devices.

(2) *Provision against shifting.* Adequate provision shall be made by design and installation to provide against relative movement between the "lower-half" and the towing vehicle especially during periods of rapid acceleration and deceleration.

(3) *Provision against swaying.* Adequate provision shall be made by design and installation to provide against swaying or lateral movement of the towed vehicle relative to the towing vehicle. To insure against swaying, "lower-halves" designed with cross-members attached to but separable from vertical members shall have such cross-members fastened to the vertical members by at least two bolts on each side. Such bolts shall be of at least equivalent cross-sectional area as those required for "U-bolts" for the corresponding saddle-mount as given in the table in subdivision (1) of this subdivision. The minimum distance between the most widely separated points of support of the cross-member by the vertical member shall be three inches as measured in a direction parallel to the longitudinal axis of the towing vehicle.

The "lower-half" shall have a bearing surface on the frame of the towing vehicle of such dimensions that the pressure exerted by the "lower-half" upon the frame of the towing vehicle shall not exceed 200 pounds per square inch under any conditions of static loading. Hardwood blocks or blocks of other suitable material, such as hard rubber, aluminum or brake lining, if used between the "lower-half" and the frame of the towing vehicle shall be at least ½ inch thick, 3 inches wide, and a combined length of 6 inches.

Under no condition shall the highest point of support of the towed vehicle by the "upper-half" be more than twenty-four inches, measured vertically, above the top of the frame of the towing vehicle, measured at the point where the "lower-half" rests on the towing vehicle.

(4) *Limitations on use of wood blocks.* Hardwood blocks, of good quality, may be used to build up the height of the front end of the towed vehicle, *Provided,* That the total height of such wood blocks shall not exceed eight inches and not over two separate pieces are placed upon each other to obtain such height; however, hardwood blocks, not over four in number, to a total height not to exceed 14 inches, may be used if the total cross-sectional area of the "U-bolts" used to attach the "lower-half" to the towing vehicle is at least 50% greater than that required by the table contained in subdivision (1) of this subdivision; or, if other devices are used in lieu of "U-bolts" they shall provide for as great a resistance to bending as is provided by the larger "U-bolts" above prescribed.

Hardwood blocks must be at least four inches in width and the surfaces between blocks or block and "lower-half" or block and "upper-half" shall be plane and so installed and maintained as to minimize any tendency of the towed vehicle to sway or rock.

(5) *Specifications for cross-member* The cross-member, which is that part of the "lower-half" used to distribute the weight of the towed vehicle equally to each member of the frame of the towing vehicle, if used, shall be structurally adequate and properly installed and maintained adequately to perform this function.

(i) *Limitation on use of wood.* No materials, other than suitable metals, shall be used as the cross-member, and wood may not be used structurally in any manner that will result in its being subject to tensile stresses. Wood may be used in cross-members if supported throughout its length by suitable metal cross-members.

(ii) *Strength of "lower-half"* The "lower-half" shall be capable of supporting the loads given in the following table. For purpose of test, the "saddle-mount" shall be mounted as normally operated and the load applied through the "upper-half"

Weight in pounds of towed vehicle:	*Minimum load saddle-mount*
Up to 5,000 pounds	5,000
5,000 pounds and over	10,000

(d) *Bearing surface between "upper and lower-half."* The "upper and lower-halves" shall be so constructed and connected that the bearing surface between the two halves shall not be less than sixteen square inches under any conditions of angularity between the towing and towed vehicles; *Provided, however,* That "saddle-mounts" using a ball and socket joint shall have a ball of such dimension that the static bearing load shall not exceed 800 pounds per square inch, based on the projected cross-sectional area of the ball: *And further provided,* That saddle-mounts having the "upper-half" supported by ball, taper, or roller-bearings shall not have such bearings loaded beyond the limits prescribed for such bearings by the manufacturer of the bearing. The "upper-half" shall rest evenly and smoothly upon the "lower-half" and the contact surfaces shall be lubricated and maintained so that there shall be a minimum of frictional resistance between the parts.

(e) *Universal action of saddle-mount.* All new "saddle-mounts" acquired and used after two years from the date of the order adopting this section shall provide for angularity between the towing and towed vehicles due to vertical curvature of the highway. Such means shall not depend upon either the looseness or deformation of the parts of either the "saddle-mount" or the vehicles to provide for such angularity.

(f) *Specifications for "king-pin"—(1) Size of "king pin"* "King-pins" shall be constructed of steel suitable for the purpose, free of defects, and having a diameter not less than required by the following table:

Weight in pounds of towed vehicle	Diameter of solid king-pin in inches, saddle-mount	
	Mild steel	High tensile steel
Up to 5,000 pounds	0.875	0.750
5,000 pounds and over	1.000	.875

If a ball and socket joint is used in place of a "king-pin" the diameter of the neck of the ball shall be at least equal to the diameter of the corresponding solid "king-pin" given in the above table. If hollow "king-pins" are used, the cross-sectional area shall be at least equal to the cross-sectional area of the corresponding solid "king-pin"

(2) *"King-pin" fit.* If a "king-pin" bushing is not used, the "king-pin" shall fit snugly into the "upper and lower halves" but shall not bind. Those portions of the "upper or lower-halves" in moving contact with the "king-pin" shall be smoothly machined with no rough or sharp edges. The bearing surface thus provided shall not be less in depth than the radius of the "king-pin"

(3) *"King-pin" bushing required.* The "king-pin" of all new "saddle-mounts" acquired and used after two years from the date of the order adopting this section shall be snugly enclosed in a bushing at least along such length of the "king-pin" as may be in moving contact with either the "upper or lower-halves" The bearing surface thus provided shall not be less in depth than the radius of the "king-pin"

(4) *"King-pin" to restrain vertical motion.* The "king-pin" shall be so designed and installed as to restrain the "upper-half" from moving in a vertical direction relative to the "lower-half"

(g) *Tracking.* The "saddle-mount" shall be so designed, constructed, maintained, and installed that the towed vehicle or vehicles will follow substantially in the path of the towing vehicle without swerving. Towed vehicles shall not deviate more than three inches to either side of the path of the towing vehicle when moving in a straight line.

(h) *Location of the "saddle-mount"—*(1) *Bending of frame of towing vehicle.* Where necessary, provision shall be made to prevent the bending of the frame of the towing vehicle by insertion of suitable blocks inside the frame channel to prevent kinking.

The "saddle-mount" shall not be so located as to cause deformation of the frame by reason of cantilever action.

(2) *Prohibition of extension of frame.* No "saddle-mount" shall be located at a point to the rear of the frame of the towing vehicle.

(i) *General provisions—*(1) *Restraining front wheels.* Towed vehicles shall, by adequate means, have the motion of the front wheels restrained if under any condition of turning of such wheels they will project beyond the widest portion of either the towed or towing vehicles.

(2) *Front end of towed vehicle on towing vehicle.* Unless the steering mechanism is locked in a straight-forward position, all vehicles being towed by "saddle-mount" shall be towed with the front end mounted on the towing vehicle.

(3) *Nuts to be secured.* All nuts used on bolts, "U-bolts", "king-pins", or in any other part of the "saddle-mount" shall be secured against accidental disconnection by means of cotter-keys, lockwashers, double nuts, safety nuts, or equivalent means. Parts shall be so designed and installed that nuts shall be fully engaged.

(4) *Inspection of all parts.* The "saddle-mount" shall be so designed that it may be disassembled and each separate part inspected for worn, bent, cracked, broken, or missing parts.

(5) *Marking new "saddle-mounts."* Every new "saddle-mount" acquired and used in drive-away operations by a motor carrier after April 15, 1947, shall have the "upper-half" and the "lower-half" separately marked with the following certification of the manufacturer thereof (or words of equivalent meaning) "This saddle-mount complies with the requirements of the Interstate Commerce Commission for vehicles up to 5,000 pounds" (or over 5,000 pounds)—"Manufactured (Month) (Year) by (Name of Manufacturer)."

(d) *Number of drive-away vehicles in combination—*(1) *Number of drive-away vehicles in combination.* No more than one vehicle shall be towed in any combination of motor vehicles in any drive-away operation.

(2) *Carrying vehicles on towing vehicle.* When adequately and securely attached by means equivalent in security to that provided in paragraph (c) (2) (ii) (b) (2) of this section, a motor vehicle or motor vehicles may be full-mounted on the structure of a towing vehicle engaged in any drive-away operation.

(3) *Carrying vehicles on towed vehicles prohibited.* No motor vehicle shall be transported on any towed motor vehicle, in any drive-away operation.

It is further ordered, That this order shall become effective April 1, 1947, and shall continue in effect until the further order of the Commission; and

It is further ordered, That notice of this order shall be given to the petitioner, to authorized motor carriers by the drive-away method, and other parties in interest, by mailing to them a copy thereof, and to the general public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(Sec. 204, 49 Stat. 546, 52 Stat. 1237, 1240, 54 Stat. 921, 56 Stat. 176, 58 Stat. 827, 59 Stat. 658; 49 U. S. C. and Sup. 304)

By the Commission, Division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2368; Filed, Mar. 12, 1947; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 934]

[Docket AO 83-A-10]

HANDLING OF MILK IN LOWELL-LAWRENCE, MASS., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO THE TENTATIVELY APPROVED MARKETING AGREEMENTS

Proposed amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, milk marketing area.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Cum. Supp., 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737, 12 F. R. 1159) notice is hereby given of a hearing to be held in the Probate Court Room, Essex County Superior Court House, Appleton Street, Lawrence, Massachusetts, beginning at 10:00 a. m., e. s. t., March 20, 1947, for the purpose of receiving evidence with respect to the proposed amendments, hereinafter set forth, or appropriate modifications thereof, to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, milk marketing area. The proposal to modify the formula method of computing Class I prices raises the question of whether the formula method will operate more satisfactorily to maintain Class I prices at a level which is consistent with the standards set forth in the act if some or all of the price factors contained in the formula are changed. Evidence with respect to this aspect of the proposal will be received at the hearing. These proposed amendments have not received the approval of the Secretary of Agriculture.

The proposed amendments with respect to which evidence will be received are as follows:

Proposed by New England Milk Producers' Association:

1. Amend § 934.6 (a) (1) by deleting the words "from the effective date hereof through February 1947 the price shall not be less than $5.70 per hundredweight;" and substituting therefor the following, "prices by delivery periods shall not be less than the following:

March–April 1947	$5.67
May–June 1947	4.79
July–September 1947	5.23
October 1947–April 1948	5.67"

Proposed by the market administrator:

2. Delete § 934.15 and substitute therefor a new paragraph (d) in § 934.6 to read as follows:

(d) *Emergency changes in formulas for class prices and differentials.* If for

any reason a price for any milk product specified by this order for use in computing class prices and for other purposes is not reported or published in the manner described by the order, the market administrator shall substitute a price determined by the Secretary to be equivalent to or comparable with the price which is specified.

3. Delete § 934.7 (c) and substitute the following:

(c) *Reports regarding individual producers.* (1) Within 10 days after a producer moves from one farm to another, or starts or resumes deliveries to a handler's plant, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the name of the plant to which the producer had been delivering immediately prior to starting or resuming deliveries.

(2) Within 5 days after the 5th consecutive day on which a producer has failed to deliver to a handler's plant, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

4. Delete § 934.7 (d) and substitute therefor the following:

(d) *Reports of payments to producers.* Each handler shall submit to the market administrator within 5 days after his request, made not earlier than 14 days after the end of the delivery period, his producer pay rolls for such delivery period which shall show for each producer:

(1) The daily and total pounds of milk delivered with the average butterfat test thereof, and

(2) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

5. Renumber § 934.7 (e) as § 934.7 (f) and insert a new paragraph (e) as follows:

(e) *Maintenance of records.* Each handler shall maintain records which will show and summarize all receipts, movements, and disposition of milk and milk products.

6. Amend § 934.12 (a) to read as follows:

(a) As his pro rata share of the expense of administration thereof, each handler, except as set forth in § 934.8 (a) shall, on or before the 18th day after the end of each delivery period, pay to the market administrator 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, the exact amount to be announced by the market administrator on or before the 5th day after the end of such delivery period, with respect to all milk received by him during such delivery period, from producers, from his own production, and with respect to milk or skim milk received from the type of handler described in § 934.8 (f) and moved to the marketing area.

Proposed by Dairy Branch, Production and Marketing Administration:

7. Amend § 934.6 to maintain the present Class II price relationship to the Class II price now or hereafter established for Class II milk purchased by handlers regulated by the Greater Boston, Massachusetts, milk marketing order.

Copies of this notice of hearing and of the tentatively approved marketing agreement, as amended, and of the order, as amended, now in effect, may be procured from the Acting Market Administrator, National Bank Building, 21 Main Street, Andover, Massachusetts, or from the Hearing Clerk, United States Department of Agriculture, Room 0308 South Building, Washington 25, D. C., or may be there inspected.

Dated: March 10, 1947.

[SEAL] E. A. MEYER,
Assistant Administrator Production and Marketing Administration.

[F. R. Doc. 47-2385; Filed, Mar. 12, 1947; 8:47 a. m.]

[7 CFR, Part 947]

[Docket No. AO-113-A7]

HANDLING OF MILK IN FALL RIVER, MASS., MARKETING AREA

NOTICE OF HEARINGS ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENTS

Proposed amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, milk marketing area.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Cum. Supp., 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737, 12 F. R. 1159) notice is hereby given of a public hearing to be held at the Knights of Pythias Hall, 103 Pleasant Street, Fall River, Massachusetts, beginning at 10:00 a. m., e. s. t., March 21, 1947, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentatively approved marketing agreement, as amended, regulating the handling of milk in the Fall River, Massachusetts milk marketing area. The proposal to modify the formula method of computing Class I prices raises the question of whether the formula method will operate more satisfactorily to maintain Class I prices at a level which is consistent with the standards set forth in the act if some or all of the price factors contained in the formula are changed. Evidence with respect to this aspect of the proposal will be received at the hearing. These proposed amendments have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed:

By the Fall River Milk Producers' Association:

1. In § 947.9 change the structure of the Fall River order to an individual handler pool, with the provision for pricing all the milk sold or distributed in the marketing area.

2. In § 947.1 define the terms "producer," "dairy farmer," and "handler" as follows:

The term "producer" means any dairy farmer irrespective of whether such dairy farmer is also a handler, except persons to whom minimum prices are required to be paid under the provisions of any other Federal milk order, in whose name milk is delivered to a receiving plant from which Class I milk is shipped to, or sold in, the marketing area either directly or through another plant during the delivery period: *Provided*, That a dairy farmer shall not be a producer within this definition if milk delivered by him is determined by the market administrator to be (a) a part of the handler's normal supply for a market other than the marketing area, and (b) if the milk delivered by such producer was utilized only in Class II or in Class I in such other market.

The term "dairy farmer" means any person in whose name milk is removed from the farm where it is produced.

The term "handler" means any person, irrespective of whether such person is also a dairy farmer, a producer, or an association of dairy farmers or producers who, on his own behalf or on behalf of others, purchases or receives milk from dairy farmers, producers, associations of dairy farmers or producers, or other handlers, all or a portion of which milk is disposed of as milk or cream in the marketing area.

3. Amend § 947.3 to read as follows:

§ 947.3 *Classification of milk*—(a) *Responsibility of handlers.* In establishing the classification of any milk received by a handler, the burden rests upon the handler who received milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

(b) *Classes of milk.* Milk purchased or received by each handler shall be classified in Class I or Class II in accordance with subparagraphs (1) and (2), subject to paragraph (c) of this section.

(1) All milk the utilization of which is not established as Class II shall be Class I.

(2) Class II milk shall be all milk, cream, etc., which is accounted for as (i) sold, distributed, or disposed of other than as milk which contains one-half of 1 percent or more but less than 16 percent of butterfat, and other than as chocolate or flavored whole or skim milk, buttermilk, or cultured skim milk, for human consumption; and (ii) actual plant shrinkage not in excess of 2 percent of milk received pro rata from producers and all other sources.

(c) *Transfers of milk.* (1) Transfers to a producer-handler shall be Class I.

(2) Transfers to another handler not a producer-handler or to a plant subject to an order of the Secretary regulating the handling of milk in a market other than the marketing area shall be Class I; *Provided*, That if such milk is established as having been utilized as Class II by the person to whom it is transferred or by the handler from whom the milk is transferred, it shall be Class II.

(3) Transfers to persons not handlers and not producer-handlers who distribute milk or manufacture milk products, and exclusive of transfers to a plant subject to an order of the Secretary regulating the handling of milk in a market other than the marketing area, shall be Class I not to exceed the total Class I at such plant.

(d) *Computation of milk in each class from producers.* For each delivery period the market administrator shall correct for mathematical errors the report submitted by each handler and compute from the corrected report the amount of milk in each class which was received from producers, as follows:

(1) In the case of each handler who is also a dairy farmer and who received milk from producers (i) exclude from each class the quantity of milk received from other handlers and classified in such class and (ii) exclude pro rata from the milk remaining in Class I and Class II a quantity equal to the quantity of milk received from his own farm production; except that the quantity thus excluded from Class II shall not exceed 10 percent of the total quantity of milk received from his own farm production.

(2) In the case of each handler who is not also a dairy farmer, and who received milk from producers, exclude from each class the quantity of milk received from other handlers and classified in such class.

4. Amend § 947.3 to classify in Class I milk used in converting 40 percent cream to light cream.

5. Amend § 947.4 to reflect the increase in freight rates.

6. In § 947.4 (a) delete the words "for each delivery period prior to March 1947 the price shall be not less than $5.96" and substitute therefor the following, "prices by delivery periods shall not be less than the following:

March–April 1947	$5.96
May–June 1947	5.08
July–September 1947	5.52
October 1947–April 1948	5.96"

By the New England Milk Producers' Association:

7. Amend Order No. 47 to provide for establishment of minimum prices to be paid to all producers whose milk is sold or distributed in the Fall River market, except those to whom minimum prices already are required to be paid under provisions of another Federal order, and those who are maintained on separate lists and established as a source of supply for other markets: *Provided*, That none of the milk of such producers is allocated to a Class I use other than in the specific market for which it is established as a source of supply.

8. Amend § 947.9 to include provisions similar to the individual handler pool provisions of Order No. 34, regulating the handling of milk in the Lowell-Lawrence marketing area.

9. Review the special handling provisions in § 947.6 to determine the justification, if any, for their continuance under an individual handler pool basis.

10. Provide, with respect to the classification provisions of the Fall River order and in any revision to provide for individual handler pools, for the transfer or shifting of supplies between handlers on the part of a cooperative association, similar to that which is made in the Lowell-Lawrence order.

11. With respect to milk received at a Providence, Rhode Island, plant, provide for allocation of Fall River Class I milk and other milk received at such a plant in such manner as will not make milk received at such plant from Providence dealers whose temporary surpluses are received at such plant subject to minimum prices under the order.

12. In § 947.4 (a) delete the words "for each delivery period prior to March 1947 the price shall be not less than $5.96" and substitute therefor the following, "prices by delivery periods shall not be less than the following:

March–April 1947	$5.98
May–June 1947	5.03
July–September 1947	5.52
October 1947–April 1948	5.96"

By the H. P. Hood and Sons, Inc.:

13. Consider a provision to encourage less seasonality in production.

By the Dairy Branch:

14. Amend § 947.4 (b) to maintain the present Class II price relationship to the Class II price now or hereafter provided under Federal Order No. 4, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area.

15. Delete the following provisions which were suspended by action of the Secretary effective January 31, 1943: 1, "except April, May, and June" in § 947.7 (c) (1) 2, § 947.7 (c) (2); 3, § 947.8; 4, "for all delivery periods except April, May, and June of each year" in § 947.9 (a) (1), and 5, § 947.9 (a) (2)

16. In § 947.15 (a) delete the words "Chief of the Dairy and Poultry Branch, Office of Distribution, War Food Administration (hereafter referred to as 'Chief of Branch')" and substitute therefor the words "Director of the Dairy Branch, Production and Marketing Administration, United States Department of Agriculture (hereinafter referred to as 'Director')"

In § 947.15 (a) delete the words "Chief of Branch" wherever they appear and substitute therefor the word "Director"

In § 947.15 (d) delete the words "War Food Administrator" and substitute therefor the word "Secretary"

17. Revise § 947.11 (a) to read:

(a) *Payments by handlers.* As his pro rata share of the expense of administration hereof, each handler not a producer-handler shall, on or before the 15th day after the end of each delivery period, pay to the market administrator 5 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe with respect to all milk received during such delivery period at a plant at which milk is received or from which Class I milk is disposed of in the marketing area to persons other than handlers: *Provided*, That such handler, which is an association of producers, shall pay such pro rata share of expense of administration on such milk which it causes to be delivered by member producers to a handler's plant for the marketing area and for which milk such association collects payment: *And provided further*, That any amounts paid on any of the milk specified herein by any handler for cost of administration of another Federal milk marketing agreement or order may be deducted from the amount due hereunder.

Copies of this notice of hearing and of the tentatively approved marketing agreement and order, now in effect, may be procured from the Market Administrator, 130 Pleasant Street, Fall River, Massachusetts, or from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0306, South Building, Washington 25, D. C., or may be there inspected.

Dated: March 10, 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-2385; Filed, Mar. 12, 1947; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 40]

AIR CARRIER PROVING FLIGHTS

PROPOSED WAIVER OF UNNECESSARY FLIGHTS

Part 40 of the Civil Air Regulations requires an air carrier to demonstrate to the satisfaction of the Administrator his ability to conduct a safe operation by actual flight over all proposed routes. This requirement makes it necessary for the air carrier to conduct a proving flight even though the proposed route is a minor modification or extension of an existing route. It is felt that under certain circumstances an undue burden is placed on the air carrier. It is, therefore, proposed to authorize the Administrator to waive a proving flight where such flight is unnecessary in the interest of safety.

Pursuant to section 4 (a) of the Administrative Procedure Act the Safety Bureau of the Civil Aeronautics Board hereby gives notice that the Bureau will propose to the Board an amendment to Part 40 of the Civil Air Regulations by adding the following proviso to the last sentence of § 40.291: "*Provided*, That an actual flight may not be required if the Administrator finds that it is unnecessary in the interest of safety."

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

It is the desire of the Bureau that those interested offer suggestions and comments regarding the proposed amendment. Comments in writing should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C.,

for receipt within 30 days from the date of this public notice.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

[SEAL] W S. DAWSON, *Director.*

[F. R. Doc. 47-2368; Filed, Mar. 12, 1947; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Part 230]

SECURITIES EXCLUDED FROM EXEMPTION

NOTICE OF PROPOSAL TO REMOVE CERTAIN RESTRICTIONS

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to amend Regulation A to delete therefrom paragraph (h) of Rule 221 (17 CFR 230.221) Regulation A, under the conditions stated therein, exempts certain securities from the registration and prospectus requirements of the Securities Act of 1933. Paragraph (h) of Rule 221 (17 CFR 230.221) makes Regulation A unavailable for "securities sold or delivered after sale in, or orders for which are accepted from, a State while the right to offer or sell such securities in that State is prohibited, denied, or suspended by any regulatory body of the State for any reason other than the misconduct of a dealer in the securities." Deletion of this paragraph would remove this restriction without affecting the jurisdiction of any State regulatory body over the sale of securities within the State.

The amendment is proposed pursuant to the provisions of the Securities Act of 1933, particularly sections 3 (b) and 19 (a) thereof.

(Secs. 3 (b) and 19 (a) 48 Stat. 75, 85; 15 U. S. C. 77c, 77s)

All interested persons may submit data, views and comments in writing to the Securities and Exchange Commission at its main office, 18th and Locust Streets, Philadelphia 3, Pennsylvania, on or before March 28, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MARCH 6, 1947.

[F. R. Doc. 47-2345; Filed, Mar. 12, 1947; 8:45 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 7582, Amdt.]

RUDOLPH PFEIFER

In re: Stock, bonds and mortgage participation certificates owned by and debt owing to Rudolph Pfeifer. F-28-6665-A-1.

Vesting Order 7582, dated September 5, 1946, is hereby amended as follows and not otherwise:

By deleting from Exhibit A, attached thereto and by reference made a part thereof, the figure $1^{3438}/_{10000}$, representing the number of shares of $1.00 par value capital stock of 10 East 57th Street Corporation evidenced by certificates numbered 301 and 97, and substituting therefor the figure $2^{3438}/_{10000}$.

All other provisions of said Vesting Order 7582 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director*

[F. R. Doc. 47-2383; Filed, Mar. 12, 1947; 8:47 a. m.]

[Vesting Order 8335]

HANSEGESELLSCHAFT ASCHPUREVIS

In re: Bank account owned by Hansegesellschaft Aschpurevis under Veltjens. F-28-23013-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hansegesellschaft Aschpurevis under Veltjens, the last known address of which is Alsterdamm 16, Hamburg, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country. (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Hansegesellschaft Aschpurevis under Veltjens, by Grace National Bank of New York, 7 Hanover Square, New York 5, New York, arising out of a checking account, entitled Hansegesellschaft Aschpurevis under Veltjens, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director*

[F. R. Doc. 47-2370; Filed, Mar. 12, 1947; 8:46 a. m.]

[Vesting Order 8337]

FRIEDRICH W AND MARTHE EISSENLOEFFEL

In re: Bank account owned by Friedrich W. Eissenloeffel, also known as Fredrick Eissenloeffel, and Marthe Eissenloeffel. F-28-4111-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Friedrich W. Eissenloeffel, also known as Fredrick Eissenloeffel, and Marthe Eissenloeffel, whose last known addresses are 36 Brombergstrasse, Freiburg i. Br., Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Friedrich W. Eissenloeffel, also known as Fredrick Eissenloeffel, and Marthe Eissenloeffel, by The First National Bank & Trust Co. of Kearny, 582 Kearny Avenue, Kearny, New Jersey, arising out of a checking account, entitled Mr. Frederick or Mrs. Marthe Eissenloeffel, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or de-

liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2372; Filed, Mar. 12, 1947; 8:46 a. m.]

[Vesting Order 8336]

GEORGINE BRACKE

In re: Bank account owned by Georgine Bracke. F-28-25094-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Georgine Bracke, whose last known address is Leonardstrasse 19, Braunschweig, Germany, is a resident of Germany, and a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation owing to Georgine Bracke, by Continental Illinois National Bank and Trust Company of Chicago, 231 South LaSalle Street, Chicago, Illinois, arising out of a savings account, Account Number 78341, entitled Georgine Bracke, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2371; Filed, Mar. 12, 1947; 8:46 a. m.]

[Vesting Order 8338]

CHARLES GEIGER

In re: Bank account owned by Charles Geiger. D-28-3187-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charles Geiger, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation owing to Charles Geiger, by Franklin Savings Bank, 656 Eighth Avenue, New York 18, New York, arising out of a Savings Account, Account Number 540487, entitled Charles Geiger, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2373; Filed, Mar. 12, 1947; 8:46 a. m.]

[Vesting Order 8339]

KATHERINE HEINLEIN

In re: Bank account owned by Katherine Heinlein. F-28-28081-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katherine Heinlein, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Katherine Heinlein, by Jamaica Savings Bank, 161-02 Jamaica Avenue, Jamaica, New York, arising out of a Savings Account, Account Number 99,699, entitled Katherine Heinlein, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2374; Filed, Mar. 12, 1947; 8:46 a. m.]

[Vesting Order 8344]

TSUGIO MURAHASHI.

In re: Bank account owned by Tsugio Murahashi. D-39-18594-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tsugio Murahashi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: That certain debt or other obligation owing to Tsugio Murahashi, by First National Bank in Coachella, box 8, Coachella, California, arising out of a Checking Account, entitled Tsugio Murahashi, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-2379; Filed, Mar. 12, 1947; 8:47 a. m.]

[Vesting Order 8340]

HATTIE HUTZEL

In re: Bank account owned by Hattie Hutzel. F-28-27968-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hattie Hutzel, whose last known address is Wurttemberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation of The Lincoln Savings Bank of Brooklyn, 531 Broadway, Brooklyn 6, New York, arising out of a Savings Account, Account Number S-18335, entitled Maria Straubinger (Deceased) in trust for Hattie Hutzel, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hattie Hutzel, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-2375; Filed, Mar. 12, 1947; 8:46 a. m.]

[Vesting Order 8341]

ADAM MAIER

In re: Bank account owned by Adam Maier. F-28-23276-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adam Maier, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation owing to Adam Maier, by The First National Bank of Boston, 67 Milk Street, Boston, Massachusetts, arising out of a Savings Account, Account Number 1-20458, entitled Adam Maier, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-2376; Filed, Mar. 12, 1947; 8:46 a. m.]

[Vesting Order 8345]

WALTER E. PFEIFFER

In re: Bank account owned by Walter E. Pfeiffer. F-28-23578-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Walter E. Pfeiffer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation owing to Walter E. Pfeiffer, by Continental Illinois National Bank and Trust Company of Chicago, 231 South LaSalle Street, Chicago, Illinois, arising out of a Savings Account, Account Number 293269, entitled Walter E. Pfeiffer, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having

been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2380; Filed, Mar. 12, 1947; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Project No. 16]

NIAGARA FALLS POWER CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

MARCH 10, 1947.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791–825r) that The Niagara Falls Power Company, Niagara Falls, New York (licensee), has made application for amendment of license for Project No. 16 to eliminate the reference made in the license issued March 2, 1921 to the rights, if any, of Pettebone-Cataract Paper Company and Cataract City Milling Company to withdraw water at a rate not exceeding 265 cubic feet per second from the Hydraulic canal or basin of licensee.

Any protests against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before April 14, 1947, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-2356; Filed, Mar. 12, 1947; 8:46 a. m.]

[Docket No. G-861]

HOPE NATURAL GAS CO.

NOTICE OF APPLICATION

MARCH 6, 1947.

Notice is hereby given that on February 12, 1947, Hope Natural Gas Company (Applicant) a corporation organized under the laws of West Virginia, with its principal place of business at Clarksburg, West Virginia, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and to operate facilities described as follows:

One 400 Horsepower Cooper Bessemer gas engine to which will be attached two gas compressors. The size of these gas compressors will be 22-inch for low-stage and 11-inch for high-stage, together with auxiliary equipment consisting of water pumps, air compressors, electric generators and miscellaneous appurtenant equipment sufficient to increase the capacity of its existing transmission facilities by about 10,000 Mcf per day. Said facilities to be located on its Line H-255 near Kenna, Jackson County, West Virginia.

Applicant states that the proposed facilities are required to properly handle the available supply of natural gas and to utilize its present pipeline system to the fullest extent, in order to meet the present demands of existing customers.

Applicant further states that the total cost of the proposed facilities is estimated at $40,000.00, to be financed from cash on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint, or concurrent hearing, together with the reasons for such request.

The application of the Hope Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, by admitting, denying, or explaining specifically and in detail, each material allegation of fact or law asserted with respect to the application.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-2367; Filed, Mar. 12, 1947; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 693]

UNLOADING OF LUMBER AT EAST ST. LOUIS, ILL.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of March A. D. 1947.

It appearing, that car B&O 184393, containing lumber, at East St. Louis, Illinois, on The Baltimore and Ohio Railroad Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action, it is ordered, that:

(a) *Lumber at East St. Louis, Ill., be unloaded.* The Baltimore and Ohio Railroad Company, its agents or employees, shall unload immediately car B&O 184393, loaded with lumber, now on hand at East St. Louis, Illinois, consigned to Burdette O'Leary Lumber Corporation, Meridian, Miss.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., March 9, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2362; Filed, Mar. 12, 1947; 8:47 a. m.]

[S. O. 694]

UNLOADING OF MILK EMULSION AT MASON, MICH.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of March A. D. 1947.

It appearing, that car PFE 76162, containing damaged milk emulsion, at Mason, Michigan, on The New York Central Railroad Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of

the Commission an emergency exists requiring immediate action, it is ordered, that:

(a) *Milk emulsion at Mason, Mich., be unloaded.* The New York Central Railroad Company, its agents or employees, shall unload immediately car PFE 76162, containing damaged milk emulsion, on hand at Mason, Michigan.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., March 9, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, Sec. 402; 41 Stat. 476, Sec. 4; 54 Stat. 901, 911, 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2363; Filed, Mar. 12, 1947; 8:47 a. m.]

[S. O. 695]

UNLOADING OF COAL AT ST. CLAIR SCALES, PA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of March A. D. 1947.

It appearing, that car Rdg 67198, containing pea coal at St. Clair Scales, St. Clair, Pa., on the Reading Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action, it is ordered, that:

(a) *Coal at St. Clair Scales, Pa., be unloaded.* The Reading Company, its agents or employees, shall unload immediately car Rdg 67198, containing pea coal, on hand at St. Clair Scales, St. Clair, Pennsylvania, account Mid-Valley Coal Company, Inc.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., March 9, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, Sec. 402; 41 Stat. 476, Sec. 4; 54 Stat. 901, 911, 49 U. S. C. 1 (10)–(17) 15 (2))

By the Commission, Division 3.

[SEAL] W P. BARTEL, *Secretary.*

[F. R. Doc. 47-2364; Filed, Mar. 12, 1947; 8:47 a. m.]

[S. O. 698]

APPOINTMENT OF AGENT WITH RESPECT TO HANDLING OF GRAIN

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of March A. D. 1947.

It appearing, that various government agencies have been instructed to take emergency measures designed to meet urgent needs for grain in various foreign countries; that it is necessary to transport such grain by rail promptly for export; that in addition the domestic grain transportation requires prompt action to be taken in the field with respect to matters affecting domestic and export grain transportation; and that the Office of Defense Transportation has made representations recommending an agent be appointed to execute directions of, and to advise the Bureau of Service regarding measures taken and those proposed to expedite the movement of domestic and export grain; the Commission is of opinion an emergency exists in all sections of the country, it is ordered, that:

(a) *Appointment of agent and designation of duties.* (1) F S. Keiser, 209 S. LaSalle St., Chicago, Ill., is hereby appointed general grain agent for the purpose of executing written directions and instructions of V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, relating to Service Orders applicable to grain and grain products.

(2) As agent, subject to the instructions and directions of V C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Mr. Keiser is instructed to advise the said Director regarding measures he believes are necessary to aid in expediting the rail movement of cars loaded with grain and grain products.

(b) *Effective date.* This order shall become effective at 12:01 a. m., March 15, 1947.

(c) *Expiration date.* This order shall expire at 11:59 p. m., June 30, 1947.

It is further ordered, that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(54 Stat. 901)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2365; Filed, Mar. 12, 1947; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59-88, 59-9]

PHILADELPHIA CO. ET AL.

ORDER DENYING MOTION FOR STAY OF CONSOLIDATED HEARINGS AND RESERVING JURISDICTION OVER DISMISSAL OF PROCEEDINGS; ADJOURNMENT OF HEARINGS AND ISSUANCE OF ADVISORY REPORT

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of February A. D. 1947.

In the matter of Philadelphia Company and certain of its subsidiary companies, and Standard Power and Light Corporation, and Standard Gas and Electric Company, respondents, File No. 59-88; Standard Power and Light Corporation, Standard Gas and Electric Company, and subsidiary companies thereof, respondents, File No. 59-9.

The Commission having on December 5, 1946, issued a notice of hearing and order instituting proceedings herein pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 ("the Act"), which order consolidated the proceedings with prior proceedings instituted pursuant to section 11 (b) (1) of the act; and respondent, Philadelphia Company, a registered holding company, having filed its answer herein which, in addition to admitting

or controverting allegations contained in the Commission's order, purports to include a plan pursuant to section 11 (e) of the act; and

Philadelphia Company having made certain oral motions to the trial examiner who certified to the Commission the following questions:

(1) Whether the trial examiner should be ordered to render an advisory report in these proceedings;

(2) Whether a 60-day adjournment of the hearings should be granted pursuant to the request of Philadelphia Company;

(3) Whether the hearings on the consolidated section 11 (b) (1) and section 11 (b) (2) proceedings should be stayed pending consideration and disposition of the purported section 11 (e) plan contained in Philadelphia Company's answer; and

(4) Whether these proceedings should be dismissed upon the ground that a prima facie case had not been made out in the initial presentation of evidence by the staff of the Public Utilities Division; and

The Commission having given due consideration to said questions and having concluded that said questions should be ruled upon as hereinafter set forth for the reasons contained in its memorandum opinion, filed herein, to which reference is hereby made;

It is ordered, That decision on the question whether the trial examiner should be ordered to render an advisory report in these proceedings be and hereby is reserved until the close of the hearings, at which time the trial examiner is directed to request instructions from the Commission as to the procedure to be followed;

It is further ordered, That the request for an adjournment be denied in part and granted to the extent that after the close of the presentation of evidence the trial examiner is directed to adjourn the hearings for a period of 30 days;

It is further ordered, That the motion for a stay of the consolidated section 11 (b) (1) and section 11 (b) (2) proceedings be and hereby is denied;

It is further ordered, That decision on the motion to dismiss the proceedings be reserved until the conclusion of the hearings and the submission of the case to the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2346; Filed, Mar. 12, 1947; 8:45 a. m.]

[File No. 70-1317]

NATIONAL GAS & ELECTRIC CORP. AND NATIONAL UTILITIES CO. OF MICHIGAN

ORDER RELEASING JURISDICTION OVER CERTAIN FEES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of March 1947.

The Commission having, by order dated August 8, 1946, approved the issuance and sale of notes in the aggregate principal amount of $2,100,000 by National Gas & Electric Corporation ("National") and $980,000 principal amount of First Mortgage 3% Bonds by its subsidiary company, National Utilities Company of Michgian ("Michigan"), pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935; and

The Commission having, by said order, reserved jurisdiction with respect to the proposed finder's fees of three financial firms and the fees of counsel for both National and Michigan to be paid in connection with the above-mentioned transactions because of services yet to be rendered; the record having been completed with respect to the legal services and the work of the three financial firms in finding a buyer for the Michigan Bonds; and the amount of such fees being as follows:

	National	Michigan
David J. Colton, Counsel	$2,000	
Brewer and Ferrell, Counsel		$1,250
Mustard, McAuliffe, Hatch & Clagett, Counsel		1,750
Battles & Co., Inc., G. H. Walker & Co., Smith, Landeryou & Co., Finders		9,800
	2,000	12,800

It appearing to the Commission that such fees are not unreasonable under the circumstances of these proceedings;

It is ordered, That the jurisdiction heretofore reserved with respect to counsel fees and finder's fees be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2348; Filed, Mar. 12, 1947; 8:45 a. m.]

JAMES F. MORRISSEY

ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of March A. D. 1947.

In the matter of James F. Morrissey, 1012 Fort Worth National Bank Building, Fort Worth, Texas.

Proceedings having been instituted pursuant to section 15 (b) of the Securities Exchange Act of 1934 to determine whether or not the registration of James F. Morrissey as a broker and dealer should be revoked;

A hearing having been held after appropriate notice, and the Commission being duly advised and having this day issued its findings and opinion herein;

It is ordered, On the basis of said findings and opinion, that the registration of James F. Morrissey as broker and dealer be, and hereby is, revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2347; Filed, Mar. 12, 1947; 8:45 a. m.]

[File No. 70-1461]

AMERICAN POWER AND LIGHT CO. ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 6th day of March A. D. 1947

In the matter of American Power & Light Company, Florida Power & Light Company, Texas Utilities Company, Texas Power & Light Company, and Texas Electric Service Company, File No. 70-1461.

Notice is hereby given that a joint application-declaration and amendment have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by American Power & Light Company ("American") a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and American's registered holding company subsidiary, Texas Utilities Company ("Texas Utilities") its electric utility subsidiaries, Texas Electric Service Company ("Texas Electric") and Texas Power & Light Company ("Texas Power") and American's electric utility subsidiary Florida Power & Light Company ("Florida"). Applicants-declarants designate sections 6, 9, 12 (b) and 12 (f) of the act and Rule U-45 thereunder as applicable to the proposed transactions.

Notice is further given that any interested person, may, not later than March 14, 1947, at 11:30 a. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed as follows: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after 11:30 a. m., e. s. t., on March 14, 1947, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

American proposes to lend at an interest rate of 1¼% per annum to Texas Utilities Company and Florida Power & Light Company during the year 1947 sums which will aggregate not more than $9,000,000 to be outstanding at any one time. Such sums as are borrowed by Texas Utilities will be passed on in the form of loans to Texas Electric and Texas Power at the interest rate stated above: *Provided, however,* That not more than $2,000,000 will be owed to Texas Utilities by Texas Electric and Texas Power at the time of American's sale of 15% of the stock of Texas Utilities as proposed in American's presently pend-

ing plan for the retirement of its preferred stocks. Texas Utilities also proposes to increase its equity interests in Texas Electric and Texas Power by making a cash contribution of $1,000,000 to the capital of or by purchasing $1,000,000 of additional common stock from each of said companies. Loans from Texas Utilities to Texas Electric and Texas Power outstanding at the time of the presently contemplated sale of additional bonds by the two latter companies are to be repaid when such bonds are sold. Texas Utilities and Florida will repay any loans made to them by American prior to American's sale of 15% of the common stocks of Texas Utilities and Florida. Florida proposes to repay any such loans out of the proceeds from the public sale of its securities contemplated in the near future. If, however, such public sale of its securities shall not have been made prior to the sale by American of 15% of Florida's common stock, Florida proposes to make temporary borrowings from banks for the purpose of repaying said loans to American prior to such sale. For the purpose of paying off any such loans as may be made to it by American, Texas Utilities proposes to make temporary borrowings from banks. In order to refund such bank borrowings, Texas Utilities proposes, sixty days after 15% of the common stock shall have been sold by American, or as soon as practicable thereafter, to issue and sell additional common stock to the public.

It is proposed that the loans be repaid to American by December 31, 1947, but such maturity may be extended by mutual consent of the parties to a date not later than one year from the date of making of such loans. However, the borrowing companies shall have the right at any time prior to such date to repay all or any part of the sums borrowed and the lending companies shall have the right to call all or any part of the loans currently outstanding upon 90 days' written notice.

Applicants-declarants state that the proposed loans are necessary to provide funds during the year 1947 for Florida, Texas Electric, and Texas Power in order to carry out the construction programs of those companies prior to the time when funds will be available from permanent financing.

Joint applicants-declarants request that the Commission's order granting the application and permitting the declaration to become effective be issued as soon as possible and become effective forthwith, so that the operating companies may receive funds necessary for the continuation of their construction programs.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2351; Filed, Mar. 12, 1947; 8:46 a.m.]

[File No. 70-1458]

INTERSTATE POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 6th day of March A. D. 1947.

Interstate Power Company ("Interstate"), a registered holding company and a public utility subsidiary of Ogden Corporation, a registered holding company, having filed a declaration pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 with respect to the transactions summarized below:

Interstate proposes to issue and sell two collateral promissory notes, each in the principal amount of $400,000, bearing interest at the rate of 1¾% annually payable semi-annually, and maturing on December 1, 1947; one of said notes is to be sold to The Chase National Bank of the City of New York, and the other to Manufacturers Trust Company, New York. Interstate also proposes to issue $800,000 principal amount of its First Mortgage Gold Bonds, 5% Series, due January 1, 1957, which bonds are to serve as collateral for the $800,000 aggregate principal amount of notes. Interstate represents that said 5% bonds will be issued under the indenture securing Interstate's presently issued and outstanding 5% bonds due 1957, upon certification to the trustee under said indenture of certain property additions which have not heretofore been certified as a basis for authentication and issuance of bonds. The filing states that the proceeds of the proposed issue and sale of securities will be applied toward the financing of Interstate's construction program and to restore current working funds which have been reduced below normal requirements in order to finance new construction.

Said declaration having been filed on February 13, 1947, and notice of said filing having been duly given in the manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Interstate having requested that the Commission take appropriate action to accelerate its order herein and that said order become effective forthwith, and the Commission deeming it appropriate to grant such request; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that said declaration be permitted to become effective;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that said declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2350; Filed, Mar. 12, 1947; 8:45 a. m.]

[File No. 70-1394]

FEDERAL WATER AND GAS CORP. AND NEW YORK WATER SERVICE CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 6th day of March A. D. 1947.

Federal Water and Gas Corporation ("Federal"), a registered holding company, and its subsidiary, New York Water Service Corporation, having filed an application and declaration, and amendments thereto, pursuant to sections 9, 10 and 12 of the Public Utility Holding Company Act of 1935 with respect to the transactions summarized below:

Federal proposes to sell to New York for the consideration of $1,000 in cash a note in the unpaid principal amount of $227,960 issued by South Bay Consolidated Water Company, Inc. ("South Bay"), a subsidiary of New York. Interest on said note is subordinate to the payment of dividends on the preferred stock of South Bay; interest arrears on said note amounted to $209,425 on September 30, 1946, and preferred stock dividend arrears amounted to $916,461.

Notice of the filing of said application and declaration having been duly given in the manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application and declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Federal and New York having requested that the Commission take appropriate action to accelerate its order herein and that said order become effective forthwith, and the Commission deeming it appropriate to grant such request; and

The Commission finding with respect to said application and declaration that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that said application and declaration be granted and permitted to become effective;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that said application and declaration be, and the same hereby are, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2349; Filed, Mar. 12, 1947; 8:45 a. m.]